

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioners,

v.

XIFI NETWORKS R&D, INC.
Patent Owner.

U.S. Patent No. 11,974,143

“Method and Apparatus for Processing Bandwidth Intensive Data Streams Using
Virtual Media Access Control and Physical Layers”

DECLARATION OF KEVIN ALMEROTH, PH.D., IN SUPPORT OF
PETITION FOR *INTER PARTES* REVIEW

TABLE OF CONTENTS

I.	Introduction.....	1
A.	Qualifications	1
1.	Educational Background.....	1
2.	Career	2
3.	Other Relevant Qualifications.....	13
B.	Previous Expert Witness Testimony	14
C.	Preparation for this Declaration	14
II.	Legal Understanding.....	15
A.	Claim Construction.....	16
B.	Anticipation	16
C.	Obviousness.....	17
III.	The '143 patent	18
A.	Priority Date	18
B.	Specification.....	19
C.	Prosecution History	21
D.	Level of Ordinary Skill in the Art	22
E.	Claim Construction.....	23
F.	Challenged Claims	24
IV.	State of the Art.....	31
V.	Grounds.....	38
VI.	Chincholi In Combination With Riggert Renders Claims 1-26 Obvious.....	39
A.	Overview and Motivation to Combine.....	39
B.	Limitation-By-Limitation Analysis.....	44
1.	Claim 1	44

2.	Claim 2: The method of claim 1, wherein the first virtual PHY interface is not contiguous with the virtual MAC interface.....	82
3.	Claim 3: The method of claim 1, wherein the second virtual PHY interface is not contiguous with the virtual MAC interface. Claim 4: The method of claim 1, wherein the third virtual PHY interface is not contiguous with the virtual MAC interface.	83
4.	Claim 5: The method of claim 1, wherein the first virtual PHY interface includes an RF block.....	84
5.	Claim 6: The method of claim 1, wherein the second virtual PHY interface includes an RF block. Claim 7: The method of claim 1, wherein the third virtual PHY interface includes an RF block.....	85
6.	Claim 8: The method of claim 1, wherein the virtual MAC interface includes a decision block.	85
7.	Claim 9: The method of claim 1, wherein the virtual MAC interface includes a processing block.	86
8.	Claim 10: The method of claim 1, wherein the virtual MAC interface includes an ultra-streaming block.....	88
9.	Claim 11: The method of claim 1, wherein the processing interface comprises multiple virtual MAC interfaces.....	90
10.	Claim 12: The method of claim 1, wherein the processing interface includes a bandwidth allocator.	91
11.	Claim 13: The method of claim 1, wherein the portion of the bandwidth available for communication of the first selected wireless transceiver comprises a single portion. Claim 15: The method of claim 1, wherein the portion of the bandwidth available for communication of the second selected wireless transceiver comprises a single portion.....	92
12.	Claim 14: The method of claim 1, wherein the portion of the bandwidth available for communication of the first selected wireless transceiver is contiguous. Claim 16: The method of claim 1, wherein the portion of the bandwidth available for communication of the second selected wireless transceiver is contiguous.....	93

13.	Claim 17: The method of claim 1, wherein at least two of the first, second and third frequency bands are specified in at least one member of the family of IEEE 802.11 standards in existence as of Oct. 30, 2013.....	93
14.	Claim 18: The wireless networking device of claim 1, wherein the wireless networking device comprises a wireless access point.	94
15.	Claim 19: The wireless networking device of claim 1, wherein,.....	94
16.	Claim 20.....	98
17.	Claim 21: The method of claim 20, further comprising	99
18.	Claim 22: The method of claim 21, wherein each of the first and second buffer memories comprises a programmable register.	100
19.	Claim 23: The method of claim 20, wherein the processing interface is configured to, when the wireless networking device is being used, in a manner transparent to any layer of the wireless networking device above the processing interface, respectively request or create fourth, fifth and sixth associations between the second recipient and the first, second and third actual MAC and PHY interfaces without requiring the wireless networking device to break any of the first, second or third associations.....	100
20.	Claim 24: The method of claim 23, wherein the first and second recipients comprise the same device.....	101
21.	Claim 25: The method of claim 20, wherein, during use of the wireless networking device, at least one portion of the available bandwidth of the third wireless transceiver is aggregated with the identified portion of the available bandwidth of the first selected wireless transceiver to transmit the prepared first data stream to the first recipient. Claim 26: The method of claim 25, wherein, during use of the wireless networking device, at least one portion of the available bandwidth of the third wireless transceiver is aggregated with the identified portion of the available bandwidth of the second selected wireless	

	transceiver to receive the data stream transmitted from the second recipient.....	102
22.	Claim 27: The method of claim 26, wherein	103
23.	Claim 28: The method of claim 26, wherein the selected first selected wireless transceiver is configured to receive a data stream at the same time as when the first selected wireless transceiver is configured to transmit a data stream. Claim 29: The method of claim 26, wherein the second selected wireless transceiver is configured to receive a data stream at the same time as when the second selected wireless transceiver is configured to transmit a data stream.I	105
24.	Claim 30: The method of claim 1, wherein the transmission of the first data stream to the first recipient occurs simultaneously with reception of the data stream transmitted from the second recipient.....	106
VII.	Chincholi and Riggert in Further Combination With Choi Render Claims 19-29 Obvious	107
A.	Overview and Motivation to Combine.....	107
B.	Limitation-By-Limitation Analysis.....	109
1.	Claims 19 and 20.....	109
2.	Claims 21-29	112
VIII.	Conclusion	112

LIST OF EXHIBITS

Exhibit	Description
EX1001	U.S. Patent No. 11,974,143 (“the ’143 patent”)
EX1002	Declaration of Kevin Almeroth, Ph.D.
EX1003	Certificate of Correction for U.S. Patent No. 11,974,143
EX1004	File History of U.S. Patent No. 11,974,143
EX1005	WO 2013/126859 (“Chincholi”)
EX1006	Published U.S. Patent Application 2011/0320625 (“Riggert”)
EX1007	U.S. Patent Application 2009/0141691 (“Jain”)
EX1008	U.S. Patent 9,379,868 (“Wang”)
EX1009	U.S. Patent 9,055,592 (“Clegg”)
EX1010	U.S. Patent 10,567,147 (“DiFazio”)
EX1011	Curriculum Vitae of Kevin Almeroth Ph.D.
EX1012	PO’s District Court Infringement Contentions Cover Pleading
EX1013	PO’s District Court Infringement Chart for U.S. Patent No. 1,974,143
EX1014	U.S. Patent 5,345,599 (“Paulraj”)
EX1015	Gerard J. Foschini, “Layered Space-Time Architecture” (Foschini, Bell Labs Technical Journal, 1(2), 41-59) (1996)
EX1016	U.S. Patent No. 7,206,840 (“Choi”)
EX1017	File History of U.S. Patent No. 11,818,591

IPR of U.S. Patent No. 11,974,143

Decl. of Dr. Kevin Almeroth

I, Dr. Kevin Almeroth, declare as follows:

I. Introduction

1. I have been retained by Quinn Emanuel Urquhart & Sullivan, LLP on behalf of the Petitioner Samsung Electronics Co., Ltd. (“Petitioner”) as an independent expert in this *inter partes* review (this “Proceeding”) before the Patent Trial and Appeal Board of the United States Patent and Trademark Office (the “Board”) to review claims 1-30 (“the challenged claims”) of U.S. Patent No. 11,974,143 (“the ’143 patent”). I have been asked by the Petitioner to assist in evaluating the claims and the disclosure of the ’143 patent.

A. Qualifications

2. EX1011 is a true and correct copy of my current CV, which describes my education, patents and publications, employment and research history, and professional activities and awards.

1. Educational Background

3. I hold three degrees from the Georgia Institute of Technology: (1) a Bachelor of Science degree in Information and Computer Science (with minors in Economics, Technical Communication, and American Literature) earned in June 1992; (2) a Master of Science degree in Computer Science (with specialization in Networking and Systems) earned in June 1994; and (3) a Doctor of Philosophy (Ph.D.) degree in Computer Science (Dissertation Title: Networking and System

IPR of U.S. Patent No. 11,974,143

Decl. of Dr. Kevin Almeroth

Support for the Efficient, Scalable Delivery of Services in Interactive Multimedia System, minor in Telecommunications Public Policy) earned in June 1997. I have taken a wide variety of courses as demonstrated by my minor. My undergraduate degree also included a number of courses more typical of a degree in electrical engineering, including digital logic, signal processing, and telecommunications theory.

2. Career

4. I am a Professor Emeritus in the Department of Computer Science at the University of California, Santa Barbara (UCSB). While active at UCSB, I held faculty appointments and was a founding member of the Computer Engineering (CE) Program, Media Arts and Technology (MAT) Program, and the Technology Management Program (TMP). I was the Associate Director of the Center for Information Technology and Society (CITS) from 1999 to 2012. I have been a faculty member at UCSB since July 1997.

5. One of the major concentrations of my research has been the delivery of multimedia content and data between computing devices, including various network architectures. In my research, I have studied large-scale content delivery systems, and the use of servers located in a variety of geographic locations to provide scalable delivery to hundreds or thousands of users simultaneously. I have also studied smaller-scale content delivery systems in which content is exchanged

between individual computers and portable devices. My work has emphasized the exchange of content more efficiently across computer networks, including the scalable delivery of content to many users, mobile computing, satellite networking, delivering content to mobile devices, and network support for data delivery in wireless networks.

6. In 1992, the initial focus of my research was on the provision of interactive functions (*e.g.*, VCR-style functions like pause, rewind, and fast-forward) for near video-on-demand systems in cable systems; in particular, how to aggregate requests for movies at a cable head-end and then how to satisfy a multitude of requests using one audio/video stream broadcast to multiple receivers simultaneously. This research has continually evolved and resulted in the development of techniques to scalably deliver on-demand content, including audio, video, web documents, and other types of data, through the Internet and over other types of networks, including over cable systems, broadband telephone lines, and satellite links.

7. An important component of my research has been investigating the challenges of communicating multimedia content, including video, between computers and across networks including the Internet. I have worked on a variety of research problems and used a number of systems that were developed to deliver multimedia content to users. One content-delivery method I have researched is the

one-to-many communication facility called “multicast,” first deployed as the Multicast Backbone, a virtual overlay network supporting one-to-many communication. Multicast is one technique that can be used on the Internet to provide streaming media support for complex applications like video-on-demand, distance learning, distributed collaboration, distributed games, and large-scale wireless communication. The delivery of media through multicast often involves using Internet infrastructure, devices and protocols, including protocols for routing and TCP/IP.

8. Starting in 1997, I worked on a project to integrate the streaming media capabilities of the Internet together with the interactivity of the web. I developed a project called the Interactive Multimedia Jukebox (IMJ). Users would visit a web page and select content to view. The content would then be scheduled on one of a number of channels, including delivery to students in Georgia Tech dorms delivered via the campus cable plant. The content of each channel was delivered using multicast communication.

9. In the IMJ, the number of channels varied depending on the capabilities of the server including the available bandwidth of its connection to the Internet. If one of the channels was idle, the requesting user would be able to watch their selection immediately. If all channels were streaming previously selected content, the user’s selection would be queued on the channel with the shortest wait time. In

the meantime, the user would see what content was currently playing on other channels, and because of the use of multicast, would be able to join one of the existing channels and watch the content at the point it was currently being transmitted.

10. The IMJ service combined the interactivity of the web with the streaming capabilities of the Internet to create a jukebox-like service. It supported true Video-on-Demand when capacity allowed, but scaled to any number of users based on queuing requested programs. As part of the project, we obtained permission from Turner Broadcasting to transmit cartoons and other short-subject content. We also connected the IMJ into the Georgia Tech campus cable television network so that students in their dorms could use the web to request content and then view that content on one of the campus's public access channels.

11. More recently, I have also studied issues concerning how users choose content, especially when considering the price of that content. My research has examined how dynamic content pricing can be used to control system load. By raising prices when systems start to become overloaded (*i.e.*, when all available resources are fully utilized) and reducing prices when system capacity is readily available, users' capacity to pay as well as their willingness can be used as factors in stabilizing the response time of a system. This capability is particularly useful in systems where content is downloaded or streamed on-demand to users.

12. As a parallel research theme, starting in 1997, I began researching issues related to wireless devices and sensors. In particular, I was interested in showing how to provide greater communication capability to “lightweight devices,” *i.e.*, small form-factor, resource-constrained (*e.g.*, CPU, memory, networking, and power) devices. Starting in 1998, I published several papers on my work to develop a flexible, lightweight, battery-aware network protocol stack. The lightweight protocols we envisioned were similar in nature to protocols like Bluetooth, Universal Plug and Play (UPnP) and Digital Living Network Alliance (DLNA).

13. From this initial work, I have made wireless networking—including ad hoc, mesh networks and wireless devices—one of the major themes of my research. My work in wireless networks spans the protocol stack from applications through to the encoding and exchange of data at the data link and physical layers.

14. At the application layer, even before the large-scale “app stores” were available, my research looked at building, installing, and using apps for a variety of purposes, from network monitoring to support for traditional computer-based applications (*e.g.*, content retrieval) to new applications enabled by ubiquitous, mobile devices. For example, my research has looked at developing applications for virtually exchanging and tracking “coupons” through “opportunistic contact” among mobile wireless devices (*i.e.*, communication among devices moving into communication range with each other). In many of the courses I have taught there

is a project component. Through these projects I have supervised numerous efforts to develop new “apps” for download and use across a variety of mobile platforms.

15. Toward the middle of the protocol stack, my research has also looked to build wireless infrastructure support to enable communication among a set of mobile devices unaided by any other kind of network infrastructure. These kinds of networks are useful either in challenged network environments (e.g., when a natural disaster has destroyed existing infrastructure) or when suitable support for network communication never existed. The deployment of such networks (or even the use of traditional network support) are critical to support services like disaster relief, catastrophic event coordination, and emergency services deployment.

16. Yet another theme is monitoring wireless networks, in particular different variants of IEEE 802.11 compliant networks, to (1) understand the operation of the various protocols used in real-world deployments, (2) use these measurements to characterize use of the networks and identify protocol limitations and weaknesses, and (3) propose and evaluate solutions to these problems. I have successfully used monitoring techniques to study wireless data link layer protocol operation and to improve performance by enhancing the operation of such protocols. For wireless protocols, this research includes functions like network acquisition and channel bonding.

17. One theme in my wireless network research has been cross-layer solutions and innovations. As mentioned above, with greater wireless device use and network support, we envisioned new application paradigms and services, for example, when mobile devices come into contact with each other. Instead of relying on existing infrastructure to relay communication, the devices are able to discover each other and communicate directly. Other examples include discovering and using location information to enhance users' experiences. Network support and novel applications use a variety of network architectures supporting users on foot, in vehicles, and across varying terrains and environments. Finally, we studied how communication efficiency can be supported through intelligent handoffs as well as location and movement prediction.

18. Protecting networks, including their operation and content, has been an underlying theme of my research almost since the beginning of my research career. Starting in 2000, I have been involved in several projects that specifically address security, network protection, and firewalls. After significant background work, a team on which I was a member successfully submitted a \$4.3M grant proposal to the Army Research Office (ARO) at the Department of Defense to propose and develop a high-speed intrusion detection system. Key aspects of the system included associating streams of packets and analyzing them for viruses and other malware. Once the grant was awarded, we spent several years developing and meeting the

milestones of the project. A number of my students worked on related projects and published papers on topics ranging from intrusion detection to developing advanced techniques to be incorporated into firewalls. I have also used firewalls, including their associated malware detection features, in developing techniques for the classroom to ensure that students are not distracted by online content.

19. Recent work ties some of the various threads of my past research together. I have investigated content delivery in online social networks and proposed reputation management systems in large-scale social networks and marketplaces. On the content delivery side, I have looked at issues of caching and cache placement, especially when content being shared and the cache has geographical relevance. We were able to show that effective caching strategies can greatly improve performance and reduce deployment costs. Our work on reputation systems showed that reputations have economic value, and as such, creates a motivation to manipulate reputations. In response, we developed a variety of solutions to protect the integrity of reputations in online social networks. The techniques we developed for content delivery and reputation management were particularly relevant in peer-to-peer communication.

20. My involvement in the research community extends to leadership positions for several academic journals and conferences. I am the co-chair of the Steering Committee for the ACM Network and System Support for Digital Audio

IPR of U.S. Patent No. 11,974,143

Decl. of Dr. Kevin Almeroth

and Video (NOSSDAV) workshop and on the Steering Committees for the International Conference on Network Protocols (ICNP), ACM Sigcomm Workshop on Challenged Networks (CHANTS), and IEEE Global Internet (GI) Symposium. I have served or am serving on the Editorial Boards of IEEE/ACM Transactions on Networking, IEEE Transactions on Mobile Computing, IEEE Network, ACM Computers in Entertainment, AACE Journal of Interactive Learning Research (JILR), and ACM Computer Communications Review. I have co-chaired a number of conferences and workshops including the IEEE International Conference on Network Protocols (ICNP), IEEE Conference on Sensor, Mesh and Ad Hoc Communications and Networks (SECON), International Conference on Communication Systems and Networks (COMSNETS), IFIP/IEEE International Conference on Management of Multimedia Networks and Services (MMNS), the International Workshop On Wireless Network Measurement (WiNMee), ACM Sigcomm Workshop on Challenged Networks (CHANTS), the Network Group Communication (NGC) workshop, and the Global Internet Symposium, and I have served on the program committees for numerous conferences.

21. Furthermore, in the courses I taught at UCSB, a significant portion of my curriculum covered aspects of the Internet and network communication including the physical and data link layers of the Open System Interconnect (OSI) protocol stack, and standardized protocols for communicating across a variety of

physical media such as cable systems, telephone lines, wireless, and high-speed Local Area Networks (LANs). The courses I have taught also cover most major topics in Internet communication, including data communication, multimedia encoding, and mobile application design. My research and courses have covered a range of physical infrastructures for delivering content over networks, including cable, Integrated Services Digital Network (ISDN), Ethernet, Asynchronous Transfer Mode (ATM), fiber, and Digital Subscriber Line (DSL). For a complete list of courses I have taught, see my curriculum vitae (EX1003).

22. I co-founded a technology company called Santa Barbara Labs that was working under a sub-contract from the U.S. Air Force to develop very accurate emulation systems for the military's next generation internetwork. Santa Barbara Labs' focus was in developing an emulation platform to test the performance characteristics of the network architecture in the variety of environments in which it was expected to operate, and, in particular, for network services including IPv6, multicast, Quality of Service (QoS), satellite-based communication, and security. Applications for this emulation program included communication of a variety of multimedia-based services, including video conferencing and video-on-demand.

23. In addition to having co-founded a technology company myself, I have worked for, consulted with, and collaborated with companies for nearly 30 years. These companies range from well-established companies to start-ups and include

IPR of U.S. Patent No. 11,974,143

Decl. of Dr. Kevin Almeroth

IBM, Hitachi Telecom, Turner Broadcasting System (TBS), Bell South, Digital Fountain, RealNetworks, Intel Research, Cisco Systems, and Lockheed Martin.

24. Through my graduate education, leadership with CITS, involvement in TMP, role in the development of the Internet2 infrastructure, and consulting with ISPs, I have gained a strong understanding in the role of the Internet in our society and the challenges of deploying large-scale production networking infrastructure. CITS, since its inception, has looked at the role of the Internet in society, including how the evolution of technology has created communication opportunities and challenges, including, for example, through disruptive technologies like P2P. TMP looks to focus on non-purely technical issues, including, for example, state-of-the-art business methods, strategies for successful technology commercialization, new venture creation, and best practices for fostering innovation. Through my industry collaborations and Internet2 work, I have developed significant experience in the challenges of deploying, monitoring, managing, and scaling communication infrastructure to support evolving Internet services like streaming media, conferencing, content exchange, social networking, and e-commerce.

25. Additional details about my employment history, fields of expertise, and publications are further included in my CV (EX1011).

3. Other Relevant Qualifications

26. I am a Member of the Association of Computing Machinery (ACM) and a Fellow of the Institute of Electrical and Electronics Engineers (IEEE).

27. As an important component of my research program, I have been involved in the development of academic research into available technology in the market place. One aspect of this work is my involvement in the Internet Engineering Task Force (IETF). The IETF is a large and open international community of network designers, operators, vendors, and researchers concerned with the evolution of the Internet architecture and the smooth operation of the Internet. I have been involved in various IETF groups including many content delivery-related working groups like the Audio Video Transport (AVT) group, the MBone Deployment (MBONED) group, Source Specific Multicast (SSM) group, the Inter-Domain Multicast Routing (IDMR) group, the Reliable Multicast Transport (RMT) group, the Protocol Independent Multicast (PIM) group, etc. I have also served as a member of the Multicast Directorate (MADDOGS), which oversaw the standardization of all things related to multicast in the IETF. Finally, I was the Chair of the Internet2 Multicast Working Group for seven years.

28. I am an author or co-author of approximately 200 technical papers, published software systems, IETF Internet Drafts and IETF Request for Comments (RFCs). A complete list of my publications is in my CV (EX1011).

29. I have been awarded numerous teaching awards, including Computer Science Outstanding Faculty Member (1997-98, 1998-99, 1999-2000, 2004-06, UCSB Spotlight on Excellence Award (2000-01), and UCSB Academic Senate Distinguished Teaching Award (2006-07).

B. Previous Expert Witness Testimony

30. The list of recent matters in which I have testified can be found at the end of EX1011.

C. Preparation for this Declaration

31. In forming my opinions, I have considered the '143 patent specification, including the Abstract, the figures, and the claim language itself, as would have been understood by a person of ordinary skill in the art as of the priority date of the '143 patent (a "POSITA"). My understanding of "POSITA" and "priority date" are set forth below. I have also reviewed the file history of the '143 patent, the Exhibits that are listed in the list of Exhibits, and any other material cited in this declaration.

32. In forming my opinions, I have relied on my personal knowledge and professional experience, and on the documents and information referenced in this declaration.

33. This declaration explains, based on facts and information available to me to date, the subject matter and opinions related to this Proceeding. As such, I am

prepared to provide expert testimony regarding opinions formed resulting from my analysis of the issues considered in this declaration if asked about those issues by the Board or by the private parties' attorneys.

34. Additionally, I may discuss my own work, teachings, and knowledge of the state of the art in the relevant time period. I may rely on handbooks, textbooks, technical literature, and the like to demonstrate the state of the art in the relevant period and the evolution of relevant technologies.

35. Throughout this declaration, I refer to specific pages of the '143 patent and other documents. The citations are intended to be exemplary and are not intended to convey that the citations are the only source of evidence to support the propositions for which they are cited.

36. I am being compensated for my time spent on this matter at a rate of \$850 per hour, and my compensation is in no way contingent upon the outcome of this matter or on the opinions I offer. All of the opinions expressed in this declaration are my own.

II. Legal Understanding

37. In this section, I describe my understanding of certain legal standards that I have relied upon in forming my opinions set forth in this declaration. I have been informed of these legal standards by Petitioner's attorneys. I am not an attorney

and I have not thoroughly researched the law on patent invalidity. I am relying only on instructions from Petitioner's attorneys for these legal standards.

A. Claim Construction

38. I have been instructed by counsel that claim construction is a matter of law. I understand that in an *inter partes* review, claims are construed using the same claim construction standard that would be used to construe the claim in a civil action, namely according to their plain and ordinary meaning to a POSITA.

39. I understand that a patent may include two types of claims, independent claims and dependent claims. An independent claim stands alone and includes only the limitations it recites. A dependent claim can depend on an independent claim or another dependent claim. I understand that a dependent claim includes all the limitations that it recites in addition to the limitations recited in the claim from which it depends.

B. Anticipation

40. I understand that a patent claim is anticipated when a single piece of prior art describes every element of the claimed invention, either expressly or inherently, arranged in the same way as in the claim. For inherent anticipation to be found, it is required that the missing descriptive material is necessarily present in the prior art. I understand that, for the purpose of an *inter partes* review, prior art that

anticipates a claim can include both patents and printed publications from anywhere in the world.

C. Obviousness

41. I understand that a patent claim is unpatentable and invalid if the subject matter of the claim as a whole would have been obvious to a POSITA as of the time of the invention at issue. My understanding of a POSITA is set forth below. I understand that the following factors must be evaluated to determine whether the claimed subject matter is obvious: (1) the scope and content of the prior art; (2) the difference or differences, if any, between each claim of the patent and the prior art; and (3) the level of ordinary skill in the art at the time the patent was filed. Unlike anticipation, which allows consideration of only one item of prior art, I understand that obviousness may be shown by considering more than one item of prior art. Moreover, I have been informed and I understand that the so-called objective indicia of non-obviousness, also known as “secondary considerations,” are also to be considered when assessing obviousness. These include: (1) commercial success; (2) long-felt but unresolved needs; (3) copying of the invention by others in the field; (4) initial expressions of disbelief by experts in the field; (5) failure of others to solve the problem that the inventor solved; and (6) unexpected results. I also understand that evidence of objective indicia of non-obviousness must be commensurate in scope with the claimed subject matter.

42. At this time, I am not aware of any evidence of secondary considerations of non-obviousness, have not seen anything identified by the Patent Owner, and do not think anything would overcome the strong showing of obviousness, but I reserve the right to respond if Patent Owner presents evidence or argument of secondary considerations of non-obviousness.

III. The '143 patent

43. The '143 patent is titled “Method and Apparatus for Processing Bandwidth Intensive Data Streams Using Virtual Media Access Control and Physical Layers.”

44. The '143 patent lists inventor Sal C. Manapragada.

45. The '143 patent was filed as U.S. Patent Application No. 18/470,540 on September 20, 2023, and issued on May 28, 2024.¹

A. Priority Date

46. The '143 patent claims priority to U.S. Prov. Patent Application Nos. 61/897,216 and 61/897,219, both of which were filed on October 30, 2013.

¹ I am assuming this priority date and have not been asked to assess whether this date is correct or not; a later (or earlier) date would not affect the opinions in this declaration.

B. Specification

47. The '143 patent relates to evaluating the wireless bandwidth requirements of applications and the wireless bandwidth availabilities of wireless transceiver resources, and allocating bandwidth of the wireless transceivers to satisfy the bandwidth requirements of the applications. EX1001 at Abstract.

48. The wireless networking architecture described in the '143 patent “includes an application layer, actual MAC and PHY layers, and a processing layer between the actual MAC and PHY layers.” *Id.* at 2:47-50. The patent describes how the processing layer may comprise “virtual MAC and PHY layers” which “enable simultaneous allocation of multiple PHY resources for different signal types associated with different applications.” *Id.* at 3:42-44.

49. In one embodiment, a wireless networking system is show in an abstract “layer” context, described in Figure 1 below. *Id.* at 3:5-7.

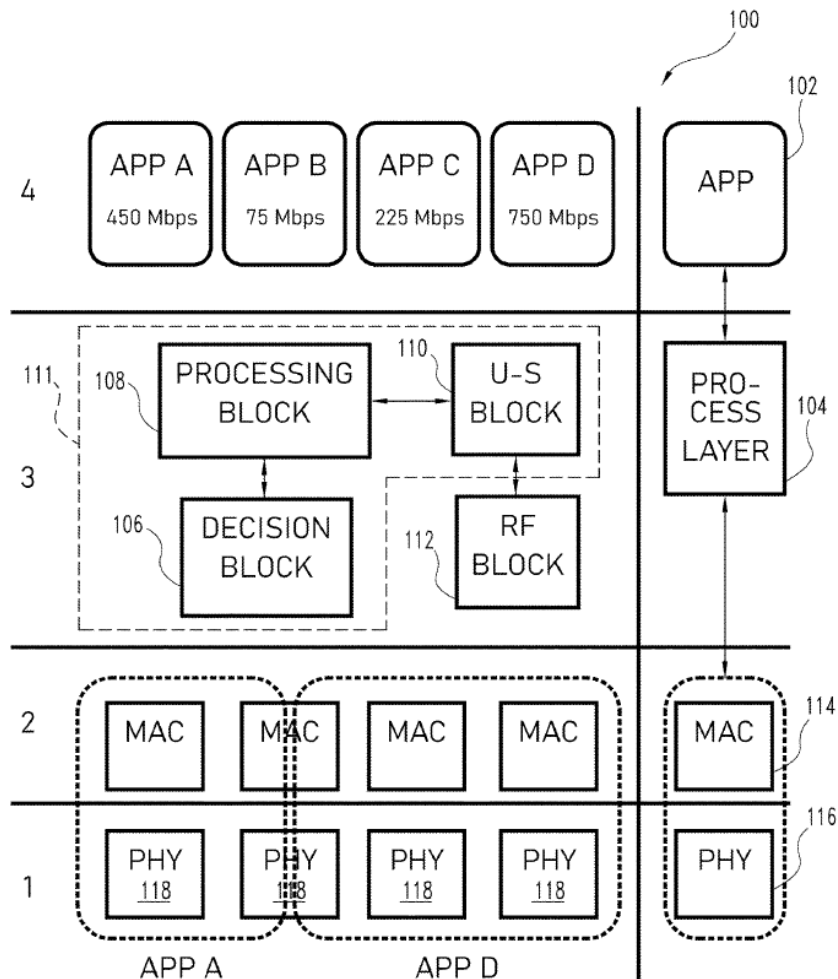
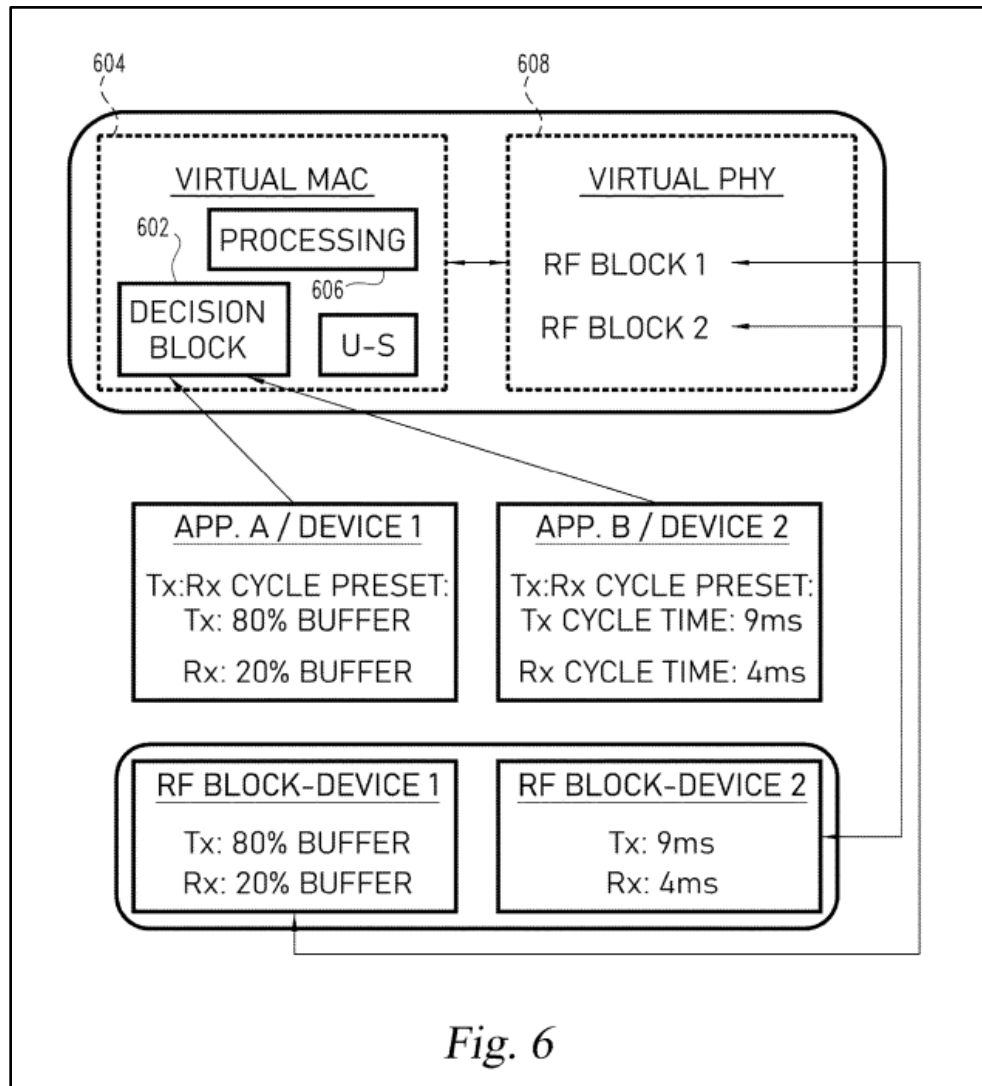


Fig. 1

The application layer 102 cooperates with a process layer at 104, which “determines available resources in the actual MAC and PHY layers 114 and 116” and “allocates the available resources to satisfy the bandwidth demands” of the various applications. *Id.* at 4:16-19.

50. Also illustrative is the embodiment of Figure 6, which demonstrates how the virtual MAC and PHY layers enable the wireless networking device to

configure the resources of two separate transceivers to each handle the bandwidth requirement of a respective application. *Id.* at 5:37-56.



C. Prosecution History

51. I understand that the '143 patent was filed on September 20, 2023 as application 18/470,540, which was a continuation of application 17/468,509 now US Patent 11,818,591 ("591 patent"). During prosecution, the Examiner granted the applicant's Track One Request and issued a notice of allowance on December 4,

2023 without a rejection. I note that in the notice of allowance, the examiner stated that the prior art did not disclose all the features of then-claim 1, though did not specify which limitations. *Id.* On January 9, 2024, the applicant reopened examination to make minor amendments, but on February 5, 2024, the applicant canceled all pending claims (including allowed claims) and presented new claims. *Id.*, 79-88. The new claims were allowed on February 7, 2024 without comment. *Id.*, 36-38. On May 3, applicant filed a Request for Certificate of Correction correcting claim 27, which was issued on May 28, 2024. EX1003

D. Level of Ordinary Skill in the Art

52. I understand that a person of ordinary skill in the art (“POSITA”) is a hypothetical person who is presumed to be aware of all pertinent art, thinks along conventional wisdom in the art, and is a person of ordinary creativity—not an automaton. In deciding the level of ordinary skill, I understand that the following factors may be considered:

- The levels of education and experience of persons working in the field;
- The types of problems encountered in the field; and
- The sophistication of the technology.

53. I understand that asserted claims must be evaluated from the perspective of a POSITA. I understand that the relevant point in time for determining the qualifications of a person of ordinary skill in the state-of-the-art is the time of

the alleged invention, which I assume to be the earliest effective filing date for the patent. Here, I understand that the earliest alleged priority date is October 30, 2013.

54. In my opinion, a person of ordinary skill in the art at the time of the '143 patent ("POSITA") had at least a Bachelor of Science in electrical engineering, computer engineering, or similar fields and at least two years of practical experience in the field of computer networks and wireless communication applications. More education can supplement for less practical experience, and vice versa.

55. I meet these criteria now and met them at the time of the alleged invention. I have applied this level of skill in my analysis. My opinions would not change if a slightly higher or lower level of ordinary skill applied.

E. Claim Construction

56. I have been instructed by Petitioner to perform my technical analysis of the disclosures of the prior art by applying the plain and ordinary meaning of all claim terms as understood by a POSITA in view of the specification and prosecution history.

57. I reserve the right to provide additional opinions concerning claim construction or the application of certain claim constructions to the prior art, as appropriate, and to respond to any particular claim construction-related argument advanced by PO and/or its expert.

58. As described in more detail in the remainder of this declaration, the prior art discloses or renders obvious the challenged claims under any reasonable potential claim interpretation.

F. Challenged Claims

59. I understand that claims 1-30 are at issue in Petitioner's petition for *inter partes* review. They are reproduced below for reference.

Claim	Limitation
1[pre]	A method of improving the performance of a wireless networking device, comprising the steps of:
1[a]	connecting an application interface to a processing interface, the application interface being associated with a first application, the first application providing, when the wireless networking device is being used, a first data stream and having a first wireless bandwidth requirement;
1[b]	connecting first, second and third actual MAC interfaces to the processing interface;
1[c]	connecting first, second and third actual PHY interfaces respectively to the first, second and third actual MAC interfaces;
1[d]	associating first, second and third wireless transceivers respectively with the first, second and third actual PHY interfaces, wherein each of the first, second and third wireless transceivers (i) is suitable for use in a wireless local area network, (ii) has a first, second and third bandwidth availability up to first, second and third actual bandwidths, and (iii) is adapted to emit radio waves in first, second and third bands of frequencies, the first and second frequency bands being different from each other;
1[e]	forming in the processing interface (i) at least one virtual MAC interface and (ii) first, second and third virtual PHY interfaces that, during operation of the wireless networking device, feed information regarding

Claim	Limitation
	the bandwidth availabilities of the first, second and third wireless transceivers back to the at least one virtual MAC interface;
1[f]	wherein the processing interface is configured to, when the wireless networking device is being used, in a manner transparent to any layer of the wireless networking device above the processing interface,
1[g]	(i) respectively request or create first, second and third associations between a first recipient and the first, second and third actual MAC and PHY interfaces,
1[h]	(ii) identify at least a portion of bandwidth available for communication of a first selected wireless transceiver of the first, second and third wireless transceivers,
1[i]	(iii) prepare the first data stream for transmission to the first recipient from the first selected wireless transceiver using a specific subset of frequencies corresponding to the identified portion of the available bandwidth of the first selected wireless transceiver, and
1[j]	(iv) cause the prepared first data stream to be transmitted from the first selected wireless transceiver to thereby at least partially satisfy the first wireless bandwidth requirement of the first application;
1[k]	wherein the processing interface is configured to, when the wireless networking device is being used, in a manner transparent to any layer of the wireless networking device above the processing interface,
1[l]	(i) identify at least a portion of bandwidth available for communication of a second selected wireless transceiver of the first, second and third wireless transceivers to receive a data stream transmitted from a second recipient,
1[m]	(ii) receive the data stream transmitted to the wireless networking device from the second recipient utilizing a specific subset of frequencies corresponding to the identified portion of the bandwidth available for communication of the second selected wireless transceiver;

Claim	Limitation
1[n]	wherein the transmission of the first data stream to the first recipient occurs at least partially simultaneously with the reception of the data stream transmitted from the second recipient;
1[o]	wherein the wireless networking device's utilization of the available bandwidth of the first selected wireless transceiver does not prevent other wireless networking devices from utilizing a range of frequencies corresponding to the remaining portion of the bandwidth availability of the first selected wireless transceiver for data transmission or reception purposes at the same time that data is being sent from the first selected wireless transceiver; and
1[p]	wherein the wireless networking device's utilization of the available bandwidth of the second selected wireless transceiver does not prevent other wireless networking devices from utilizing a range of frequencies corresponding to the remaining portion of the bandwidth availability of the second selected wireless transceiver for data transmission or reception purposes at the same time that data is being received by the second selected wireless transceiver.
2	The method of claim 1, wherein the first virtual PHY interface is not contiguous with the virtual MAC interface.
3	The method of claim 1, wherein the second virtual PHY interface is not contiguous with the virtual MAC interface.
4	The method of claim 1, wherein the third virtual PHY interface is not contiguous with the virtual MAC interface.
5	The method of claim 1, wherein the first virtual PHY interface includes an RF block.
6	The method of claim 1, wherein the second virtual PHY interface includes an RF block.
7	The method of claim 1, wherein the third virtual PHY interface includes an RF block.

Claim	Limitation
8	The method of claim 1, wherein the virtual MAC interface includes a decision block.
9	The method of claim 1, wherein the virtual MAC interface includes a processing block.
10	The method of claim 1, wherein the virtual MAC interface includes an ultra-streaming block.
11	The method of claim 1, wherein the processing interface comprises multiple virtual MAC interfaces.
12	The method of claim 1, wherein the processing interface includes a bandwidth allocator.
13	The method of claim 1, wherein the portion of the bandwidth available for communication of the first selected wireless transceiver comprises a single portion.
14	The method of claim 1, wherein the portion of the bandwidth available for communication of the first selected wireless transceiver is contiguous.
15	The method of claim 1, wherein the portion of the bandwidth available for communication of the second selected wireless transceiver comprises a single portion.
16	The method of claim 1, wherein the portion of the bandwidth available for communication of the second selected wireless transceiver is contiguous.
17	The method of claim 1, wherein at least two of the first, second and third frequency bands are specified in at least one member of the family of IEEE 802.11 standards in existence as of Oct. 30, 2013.
18	The method of claim 1, wherein the wireless networking device comprises a wireless access point.
19[a]	The method of claim 1, wherein, if the identified portion of the bandwidth of the first selected wireless transceiver becomes unavailable during use

Claim	Limitation
	of the wireless networking device or if the first selected wireless transceiver has an unidentified portion of bandwidth availability that is greater than the identified portion of bandwidth availability of the first selected wireless transceiver during use of the wireless networking device, the processing interface is configured to, as a result of the unavailability or the increased bandwidth availability and in a manner transparent to any layer of the wireless networking device above the processing interface,
19[b]	(i) identify at least one new portion of the bandwidth of the first selected wireless transceiver that is available for communication,
19[c]	(ii) prepare the first data stream, without requiring the disassociation of the recipient from the actual MAC and PHY interfaces associated with any wireless transceiver, for transmission to the recipient from the first selected wireless transceiver using a specific subset of frequencies corresponding to the new portion of available bandwidth of the first selected wireless transceiver, and
19[d]	(iii) cause the prepared first data stream to be transmitted to the recipient from the first selected wireless transceiver, without requiring the disassociation of the recipient from the actual MAC and PHY interfaces of any wireless transceiver, to thereby continue to at least partially satisfy the first and second wireless bandwidth requirements of the first and second applications.
20[a]	The method of claim 19, wherein, if the identified portion of the bandwidth of the second selected wireless transceiver becomes unavailable during use of the wireless networking device or if the second selected wireless transceiver has an unidentified portion of bandwidth availability that is greater than the identified portion of bandwidth availability of the second selected wireless transceiver during use of the wireless networking device, the processing interface is configured to, as a result of the unavailability or the increased bandwidth availability and in a manner transparent to any layer of the wireless networking device above the processing interface,

Claim	Limitation
20[b]	(i) identify at least one new portion of the bandwidth of the second selected wireless transceiver that is available for communication, and
20[c]	(ii) receive the data stream transmitted by the second recipient using a specific subset of frequencies corresponding to the new portion of available bandwidth of the second selected wireless transceiver, without requiring the disassociation of the recipient from the actual MAC and PHY interfaces of any wireless transceiver, to thereby continue to at least partially satisfy a bandwidth requirement associated with the data stream transmitted by the recipient to the wireless networking device.
21[a]	The method of claim 20, further comprising the step of coupling first and second buffer memories respectively to the first and second actual PHY interfaces,
21[b]	wherein the first buffer memory is configured to, during use of the wireless networking device, store data prior to its actual transmission to the first recipient,
21[c]	wherein the second buffer memory is configured to, during use of the wireless networking device, store data that is transmitted to the wireless networking device from the second recipient, and
21[d]	wherein the capacity of the first and second buffer memories are programmable during use of the wireless networking device.
22	The method of claim 21, wherein each of the first and second buffer memories comprises a programmable register.
23	The method of claim 20, wherein the processing interface is configured to, when the wireless networking device is being used, in a manner transparent to any layer of the wireless networking device above the processing interface, respectively request or create fourth, fifth and sixth associations between the second recipient and the first, second and third actual MAC and PHY interfaces without requiring the wireless networking device to break any of the first, second or third associations.
24	The method of claim 23, wherein the first and second recipients comprise the same device.

Claim	Limitation
25	The method of claim 20, wherein, during use of the wireless networking device, at least one portion of the available bandwidth of the third wireless transceiver is aggregated with the identified portion of the available bandwidth of the first selected wireless transceiver to transmit the prepared first data stream to the first recipient.
26	The method of claim 25, wherein, during use of the wireless networking device, at least one portion of the available bandwidth of the third wireless transceiver is aggregated with the identified portion of the available bandwidth of the second selected wireless transceiver to receive the data stream transmitted from the second recipient.
27[a]	The method of claim 26, wherein the application interface is associated with a second application, the second application providing, when the wireless networking device is being used, a second data stream and having a second wireless bandwidth requirement;
27[b]	wherein the processing interface is configured to, when the wireless networking device is being used, in a manner transparent to any layer of the wireless networking device above the processing interface,
27[c]	(i) prepare the first and second data streams for simultaneous transmission to the recipient from the first selected wireless transceiver using a specific subset of frequencies corresponding to the identified portion of the available bandwidth of the first selected wireless transceiver, and
27[d]	(ii) cause the prepared first and second data streams to be simultaneously transmitted from the first selected wireless transceiver to thereby at least partially satisfy the first and second wireless bandwidth requirements of the first and second applications.
28	The method of claim 26, wherein the selected first selected wireless transceiver is configured to receive a data stream at the same time as when the first selected wireless transceiver is configured to transmit a data stream.
29	The method of claim 26, wherein the second selected wireless transceiver is configured to receive a data stream at the same time as

Claim	Limitation
	when the second selected wireless transceiver is configured to transmit a data stream.
30	The method of claim 1, wherein the transmission of the first data stream to the first recipient occurs simultaneously with reception of the data stream transmitted from the second recipient.

IV. State of the Art

60. As the '143 patent recognizes, various signal protocols for transmitting and receiving data existed well before its priority date. (EX1001 at 3:52-58.) In fact, prior to the '143 patent priority date, developments in networking protocols had given rise to each of the concepts covered by the asserted claims.

61. For example, the foundational principles of Multiple-Input Multiple-Output (MIMO) technology were well-established in the 1990s, centering on the use of multiple antennas to exploit multipath propagation. Instead of treating multiple signal paths as interference, MIMO leverages them to improve data throughput and link reliability. The two primary techniques that defined this capability were spatial multiplexing and spatial diversity. Spatial multiplexing, in particular, was a significant development as it allowed for the transmission of multiple, independent data streams over a single radio frequency channel. This concept was extensively detailed in foundational works of the period, including U.S. Patent No. 5,345,599 ("Paulraj") (EX1014) and a 1996 paper from Bell Labs by Gerard J. Foschini, which

IPR of U.S. Patent No. 11,974,143

Decl. of Dr. Kevin Almeroth

described a “Layered Space-Time Architecture” for achieving linear increases in data rates by adding antennas (Foschini, *Bell Labs Technical Journal*, 1(2), 41-59) (EX1015).

62. The subsequent formalization of these long-standing MIMO principles into industry standards serves as clear evidence of their maturity and status as established art. The development of the IEEE 802.11n standard, initiated in the early 2000s, was not based on the invention of new MIMO concepts, but rather on the codification of the well-understood techniques from the previous decade. The standard’s primary purpose was to leverage the known benefits of spatial multiplexing and related space-time coding schemes to achieve the significant leap in Wi-Fi data rates that the market was demanding. The integration of these established MIMO techniques into a major interoperability standard like IEEE 802.11n confirms that the technology’s fundamental aspects were considered thoroughly vetted and were already part of the existing body of technical knowledge.

63. Concepts of link and bandwidth aggregation similarly predated the ’143 patent. As taught by WO 2013/126859A2 (“Chincholi”), a unique control layer, referred to as an “Opportunistic Multiple-Medium Access Control (OMMA) Aggregation” sits below the device’s IP layer but above the individual network technology stacks, which Chincholi refers to as radio access technologies (RATs). (EX1005 at [0003].) This OMMA layer makes intelligent decisions about how to

route and potentially split IP packet traffic across the available networks. (*Id.* at [0004]-[0007].) It operates by monitoring the estimated data arrival rate for each network interface and sending packets over a specific network when a corresponding variable, which increments with data arrival, exceeds a set threshold. (*Id.*) This allows the system to aggregate bandwidth and make efficient use of multiple network connections based on real-time conditions and feedback.

64. Further, U.S. Pub. Pat. App. 2011/0320625 (“Riggert”) describes using virtual PHY (physical) interfaces to create a unified, abstract layer that conceals the complexity of managing multiple underlying data communication channels, such as different network connections. Riggert teaches that “by identifying multiple physical interfaces” in a multi-transceiver network “and combining them together into one physical interface (*i.e.*, bondable ***virtual interface***), data throughput may be improved.” (EX1006 at [0049].) Importantly, this “bondable virtual interface” may be used generically in the framework, allowing applications and higher-level network software to interact with it as if it were a single, resilient connection without needing to be rewritten to handle the specifics of each individual network. (*Id.* at [0065].) Essentially, the virtual PHY provides a flexible and standardized method to combine or “bond” the capacities of multiple physical networks, thereby improving resilience to network load and impairments. U.S. Patent Application 2009/0141691 (“Jain”) expands on this concept, describing a “virtual PHY” or adaptation layer that

functions as an abstraction layer between the MAC and the multiple, distinct PHYs. (EX1007 at [0032].) Jain's various embodiments allow a single access point to support multiple channel configurations, such as a mix of "MIMO, SIMO and wired channels configured according to the 802.11 standards." *Id.* at [0037].

65. Concepts of addressing carrier-specific interference in bandwidth channels also existed during this timeframe. U.S. Patent 9,055,592 ("Clegg") discloses an IEEE 802.11 system designed for carrier specific interference mitigation. Clegg's technique "utilize[s] carriers across multiple sub-channels, even across disjointed bands (e.g., 2.4 GHz, 5 GHz, and or 60 GHz bands), without regard to whether those carriers are within an otherwise unavailable sub-channel." (EX1009 at 1:32-37.) This allows an 802.11 device to "fully utilize the available spectrum." (EX1009 at 1:32.)

66. Additionally, work was being done to enable full-duplex single channel (FDSC) communication and managing the interference caused by a device transmitting and receiving on the same frequency simultaneously. For example, U.S. Patent 10,567,147 ("DiFazio") describes a system designed to support a mix of devices, including a "first wireless transmit/receive unit (WTRU) configured for FDSC communication" and a "second WTRU configured for half-duplex (HD) communication," managing them on a single channel by allocating appropriate timeslots (EX1010 at 2:33-54). DiFazio offers a robust, multi-layered approach,

noting that the system may have “at least three levels of interference . . . suppression,” which it specifies as “antenna, analog, and/or digital.” (*Id.* at 30:39-43.) To achieve this, the system’s suppression algorithms are initially set using “preconfigured data” that can be “read from memory when the device may be powered-on.” (*Id.* at 31:1-7.) This provides a starting point that aides or speeds convergence to a more optimal state, which is then refined as the “algorithms operate” to adapt to changing conditions and achieve a much higher degree of interference suppression. (*Id.* at 31:8-13.)

67. Further, in the field of 802.11 systems, each associated terminal is assigned a unique association identifier (“AID”), and it was well-known that avoiding disassociation after initial association was desirable, as repeatedly re-forming associations was inefficient and disruptive. For example, U.S. Patent 9,379,868 (“Wang”), describing how an AP operating device must dissociate a non-AP device with undesirable AID and re-associate it with more desirable AID, states that such an approach is “undesirable, can be blunt and can disrupt the on-going services (e.g., requires disassociation).” (EX1008 at 24:42-43; *see also id.* at 24:57-62 (“The lack of update/change of the AID values . . . after an initial AID assignment is inherently inflexible and can prevent the realization power saving, among other considerations, that an update/change of the AID values can provide.”).) Indeed, recognizing this issue, Wang describes techniques in a multiple transceiver/MIMO

system for effectuating an update to a recipient's unique association identifier ("AID") through various interactions with the system without requiring a disassociation of a wireless device from an access point. (EX1008 at 24:63-25:57.)

68. Monitoring of bandwidth availability in order to dynamically switch different frequency sub-bands was also known. U.S. Patent No. 7,206,840 ("Choi") (EX1016) discloses a dynamic frequency selection scheme for 802.11 Wi-Fi networks. Choi's method involves "measuring the channel quality of a plurality of frequency channels by at least one of the plurality of STAs; reporting the quality of the plurality of frequency channels in terms of a received signal strength indication (RSSI), Clear Channel Assessment (CCA) busy periods and periodicity; and, selecting one of the candidate channels based on the channel quality report for use in communication between the AP and the plurality of STAs." (EX1016, Abstract.)

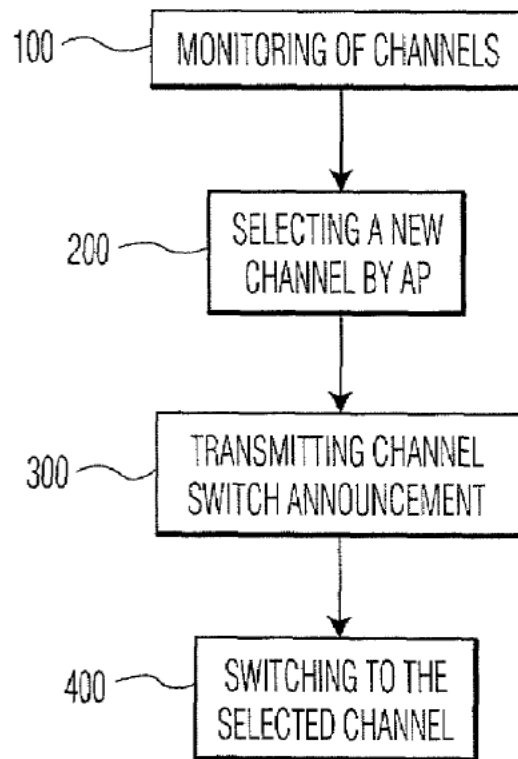


FIG. 3

69. Further, Choi explains the selecting one of the candidate channels based on the channel quality report involves a determination that the selected channel will have the least RSSRI or CCA value. EX1016, 8:19-20, Figure 7:

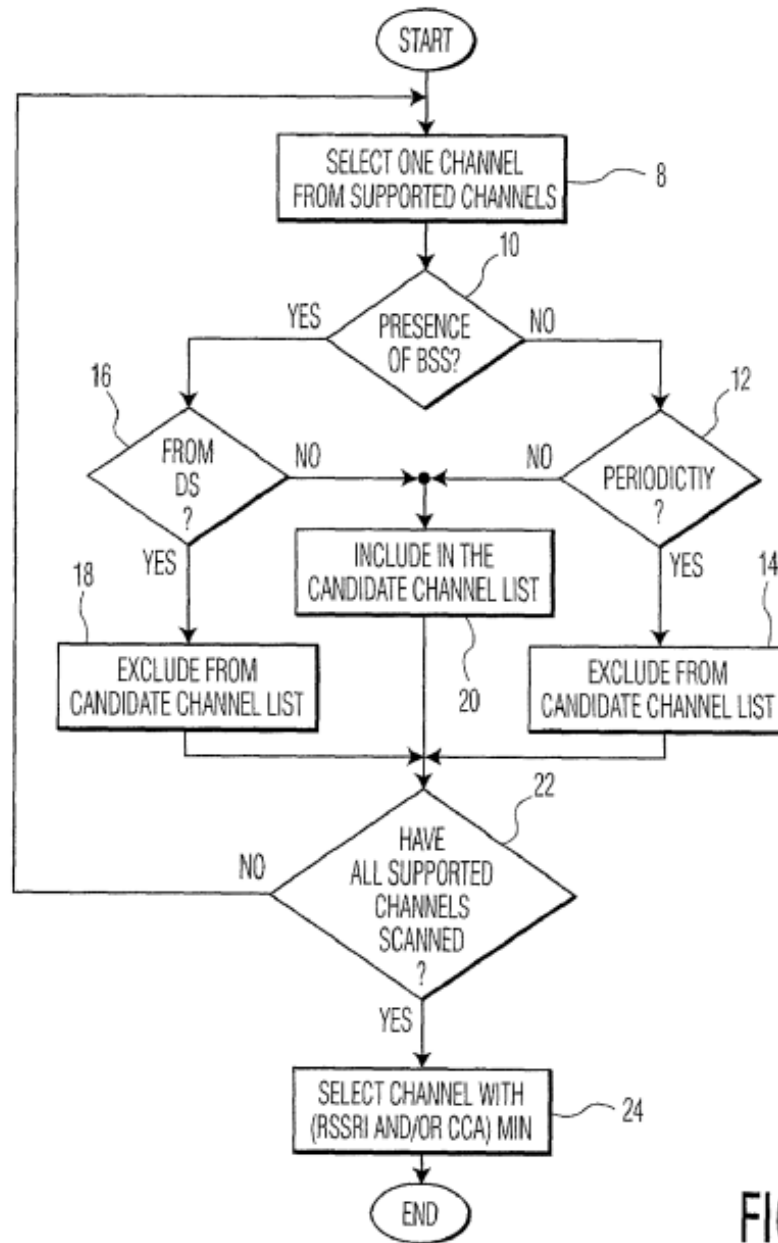


FIG. 7

V. Grounds

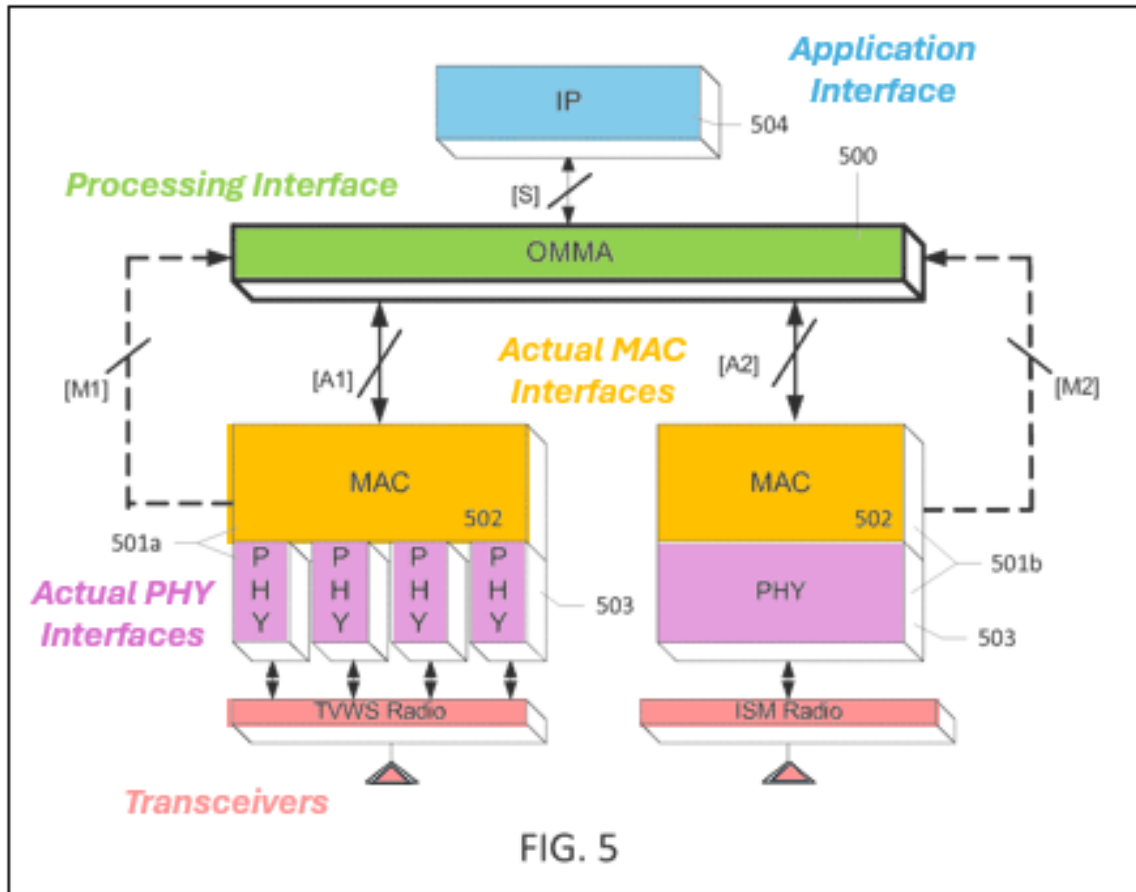
Ground	Basis	Reference	Claims
1	§103	WO 2013/126859 (“Chincholi”) in combination with U.S. Pub. Pat. App. 2011/0320625 (“Riggert”)	1-30
2	§103	Chincholi in combination with U.S. Patent No. 7,206,840 (“Choi”)	19-29

VI. Chincholi In Combination With Riggert Renders Claims 1-26 Obvious²

A. Overview and Motivation to Combine

70. In my opinion, Chincholi in combination with Riggert renders claims 1-30 obvious. As discussed in more detail below, Chincholi teaches the same architecture as the '143 patent, including a wireless networking device with multiple transceivers, each having actual MAC and PHY interfaces. Chincholi uses a single ***“Opportunistic Multiple-Medium Access Control (MAC) Aggregation layer,”*** positioned above the actual MAC-PHY layers of each transceiver, to aggregate available bandwidth portions to efficiently meet the requirements of data streams from one or more applications. (EX1005 at [0122-0123].)

² Unless noted otherwise, all emphases in quotes and annotations to figures from prior art references are added.



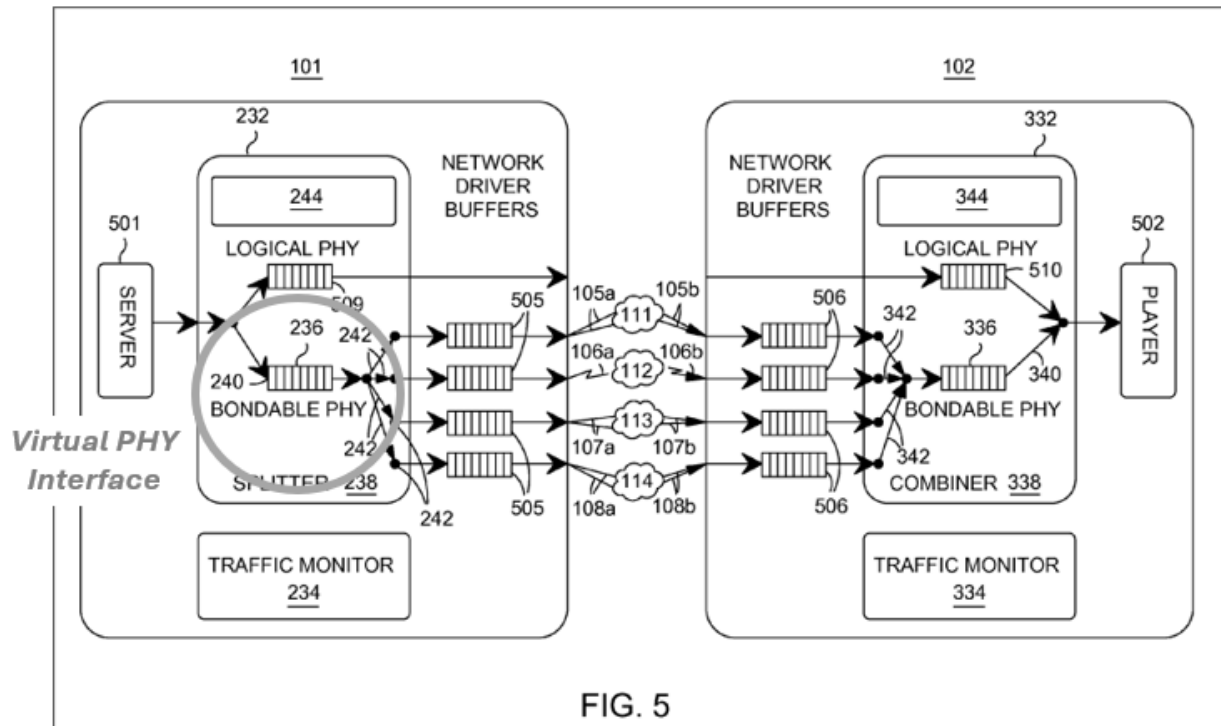
71. Chincholi expressly discloses receiving, at the OMMA layer, feedback information regarding bandwidth availability on a per-transceiver basis and feeding that information back to the OMMA layer's virtual MAC function. (EX1005 at [0137].) Because Chincholi already discloses a partial virtualization of the MAC function at the OMMA layer, a POSITA would have been motivated to leverage this virtualization at the OMMA/transceiver interfaces to further increase flexibility in the system. Specifically, in my opinion, rather than implement static (and limited) interfaces between Chincholi's OMMA layer and each RA—i.e., each network protocol stack and associated transceiver—a POSITA would have recognized the

opportunity to implement “virtual PHY” interfaces. By 2013, virtualization was a well-understood and widely used tool in computing. A POSITA would have recognized that applying virtualization at the OMMA/transceiver interface—by adding one or more virtual PHY interfaces—would have been a straightforward extension of Chincholi’s basic architecture and system design.

72. Providing a “virtualized” PHY interface between the OMMA layer and the RATs in Chincholi would have been particularly beneficial in implementing an 802.11-based system. This is because implementing virtualized PHY interfaces would allow the system to accommodate communication channels with wireless devices that may operate using various different generations of the 802.11 standards. (EX1005 at [0134] (teaching that “[a] Wi-Fi RAT may be a IEEE802.11n RAT, a IEEE802.11ac RAT, a IEEE802.11af RAT, etc.”).) Virtualization of the physical interface for this purpose is taught, for example, in background reference U.S. Patent Application 2009/0141691 (“Jain”). (See EX1007 at [0034-0037]). A POSITA would have recognized that virtualizing the interfaces between Chincholi’s OMMA layer and individual RATs would result in a flexible and “reconfigurable” PHY interface that could be used to match the different needs of potential recipient devices and networks. (EX1007 (Jain) at [0033].).

73. A POSITA would have understood that one way of implementing virtualized PHY interfaces to further enhance Chincholi is taught in Riggert. Riggert

teaches a “bondable virtual interface” which provides a virtualized, flexible interface to the actual PHY interfaces that can be used generically and thus easily substituted across differently configured PHY interfaces in the system. (EX1006 at [0065].)



74. A POSITA would have been motivated to modify Chincholi according to the teachings of Riggert’s “virtual PHY” to improve the system of Chincholi. The references both arise in the same field of endeavor and are similarly addressed to increasing bandwidth efficiency and throughput in multi-transceiver, wireless communication networks. (EX1005 at [0002] (“Wireless technologies have been demanding higher data throughput rates and lower latencies”); EX1006 at [0004] (“In the field of data streaming in a network, there is a problem in that data streaming from a sending endpoint to a recipient endpoint may be detrimentally affected by

limited network bandwidth’).) Both references address 802.11 type systems specifically. *See, e.g.*, EX1005 at [0137]; EX1006 at [0057].) Riggert’s “bondable virtual interface” would improve the system of Chincholi by providing a flexible, universal interface between the OMMA layer and the actual transceiver resources. (EX1006 at [0065] (“The bondable virtual interfaces 236 and 336 conform to an interface, which allows them to be used generically in the framework.”) The combined system would improve Chincholi by allowing the OMMA controller to interface with configurable sets of potentially differently configured RATs, a benefit that cannot be achieved alone by Chincholi’s system. This combination would allow Chincholi’s system to operate seamlessly with a wider variety of recipient devices, potentially operating on different versions of the 802.11 standards.

75. In my opinion, implementing Riggert’s virtualized PHY interfaces into Chincholi would have been straight-forward, requiring no more than the exercise of ordinary skill in the art, given that Chincholi already contemplates a virtualization of the MAC function at the OMMA layer. A POSITA would have been well aware of virtualization as a general technique in computing by 2013 and, given the guidance provided by Riggert in combination with the architecture of Chincholi, would have understood how to implement virtualized PHY interfaces to extend Chincholi’s basic architecture and system. In my opinion, based on the above, a

POSITA would have recognized that the combination could be accomplished with a reasonable expectation of success.

76. In the analysis below, I refer to the combined prior art system as Chincholi/Riggert.

B. Limitation-By-Limitation Analysis

1. Claim 1

- a)** *1[pre]: A method of improving the performance of a wireless networking device, comprising the steps of:*

77. In my opinion, and to the extent limiting, Chincholi/Riggert discloses the preamble of claim 1. Chincholi discloses a system of wireless networking devices configured “to manage multiple radio access technology (RAT) interfaces” and “enable opportunistic RAT selection and aggregation for sending data traffic over the RAT interfaces.” (EX1005 at [0003].) “In multi-RAT systems reception and/or transmission may be performed over multiple RATs. For example, **a network terminal (NT)** (e.g., an **access point (AP)** . . .) and **a wireless transmit/receive unit (WTRU)** . . . may communicate over multiple parallel paths.” (EX1005 at [0002].)

78. Chincholi discloses that a network terminal (“NT”), such as an access point, or a wireless transmit/receive unit (“WTRU”) “may be configured to work in an infrastructure mode or an adhoc mode, for example, in an IEEE802.11 based Wi-Fi system,” *i.e.*, both are a **wireless networking device**. (EX1005 at [0115].)

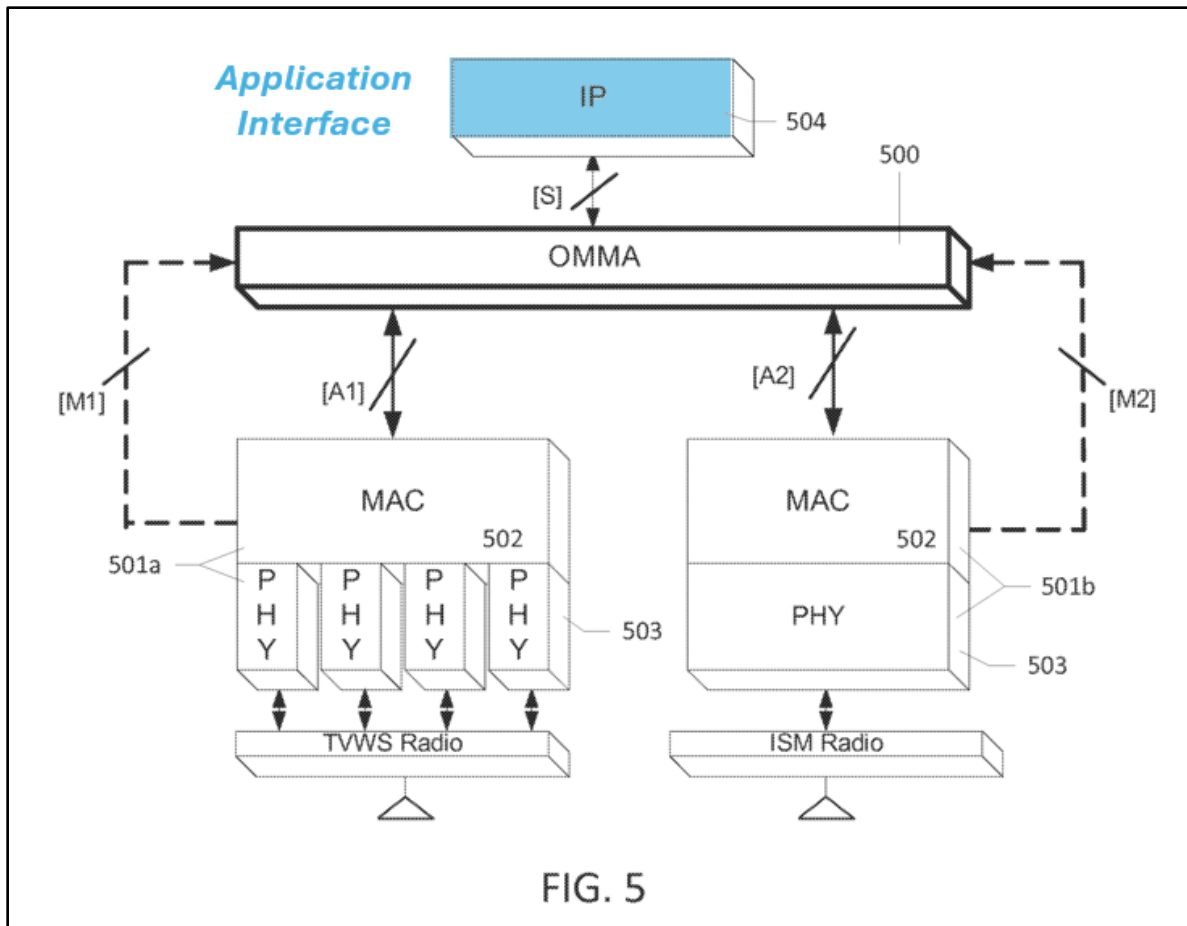
79. As I discussed in the below limitations, Chincholi discloses a method for **improving the performance** of the NT or WTRU.

- b) *1[a]: connecting an application interface to a processing interface, the application interface being associated with a first application, the first application providing, when the wireless networking device is being used, a first data stream and having a first wireless bandwidth requirement;*

80. In my opinion, Chincholi/Riggert discloses this limitation.

81. ***“application interface being associated with a first application ... providing, when the wireless networking device is being used, a first data stream”:***

Chincholi discloses that “[u]sing multiple RATs simultaneously may provide the benefit of increased bandwidth for an **application** (e.g., an IP flow) as well as increased reliability.” (EX1005 at [0191].) The **first data stream** of a first application is referred to as an “IP flow.” (EX1005 at [0132] (“A **single IP flow may refer to a stream of IP packets belong to a particular application.**”).) In an 802.11 embodiment (Figure 5), IP packets associated with an application data stream come from or are destined to an IP layer 504, and thus the IP flow (i.e. **first data stream**) is provided by the application **when the wireless networking device is being used**. (EX1005 at [0138], Table 1 (“S” interface is for “Incoming/Outgoing IP Packets”).) The “[S]” interface from the IP layer for the IP stream is therefore an **application interface associated with a first application**.

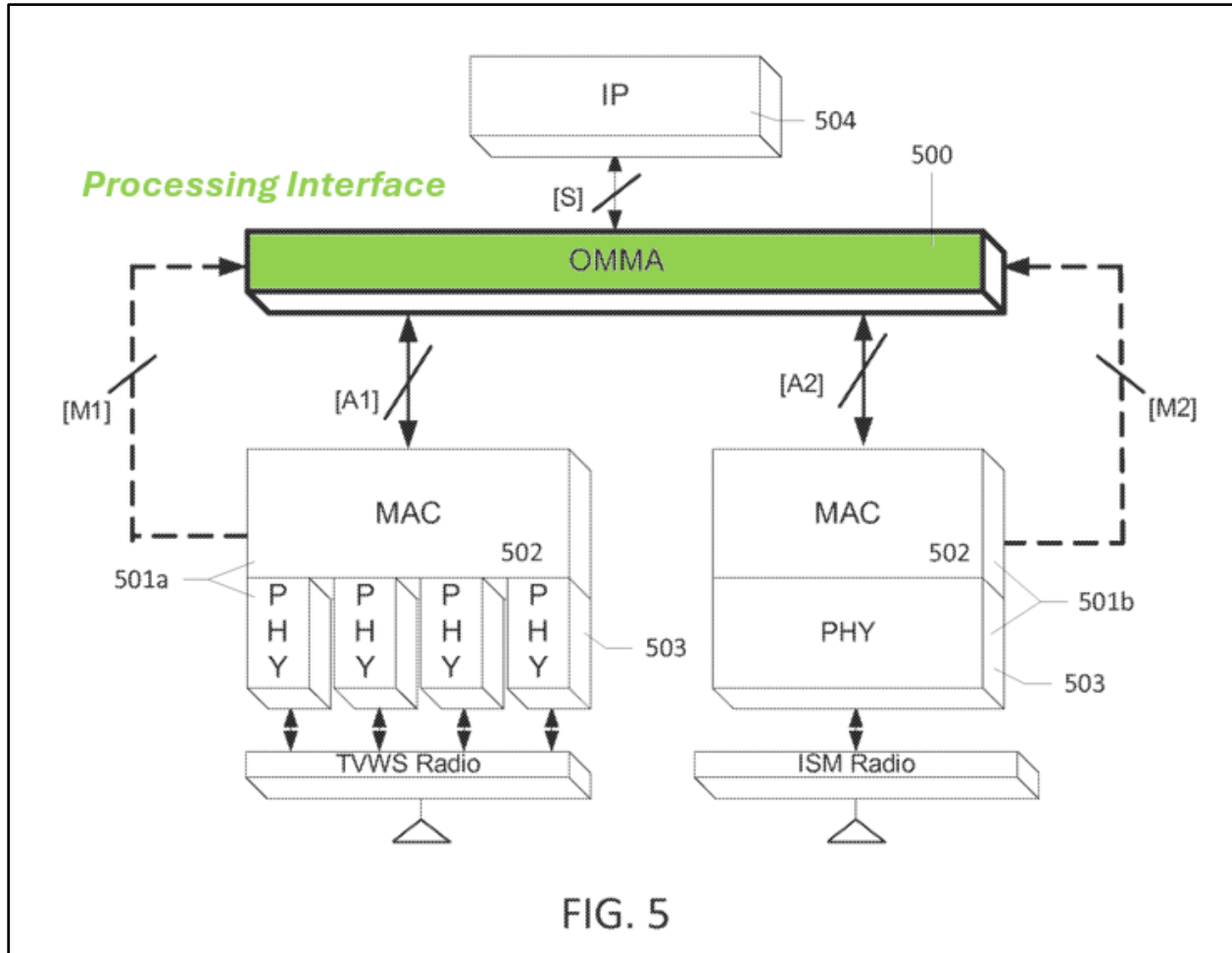


82. ***“connecting an application interface to a processing interface”:***

Chincholi further discloses that its “application interface” is connected to a “processing interface.” Chincholi teaches an “***Opportunistic Multiple-Medium Access Control (MAC) Aggregation (OMMA) layer.***” (EX1005 at [0003].) A POSITA would have understood that the plain meaning of “interface” and “layer” in the context of the ’143 patent are congruent, which is underscored by the specification describing layers having the same functionality as the claimed interfaces, and the prosecution history of the prior related ’591 patent, where Applicant interchangeably used the terms “layer” and “interface” to describe Figure

1. (EX.1017, Aug. 8, 2023 Response to Non-Final Office Action (“Figure 1 of the 10/30/2013 ’216 provisional shows a wireless networking device in a ‘layer’ format. It includes an ‘application interface’ with four applications A-D...Figure 1 also shows a process layer that forms an example of the claimed ‘processing interface’...Figure 1 also shows four individual actual MAC layers connected to the processing interface...Figure 1 also shows a single actual PHY layer connected to each one of the actual MAC layers.”)). Similarly, in its Sept. 28, 2023 Claim Amendments, Applicant replaced the term “virtual PHY layers” with “virtual PHY interface.” (*Id.*, Sept. 28, 2023 Claim Amendments).

83. The OMMA layer is a common layer/module between the IP layer/module and the multiple RAT layers/modules. (EX1005 at [0137]; *see also id.* at [0120] (“[T]he single thin software layer may enable one RAT to operate over industrial scientific medical (ISM) and another RAT to operate over a TVWS band for the same IP flow.”).) An exemplary OMMA layer enabling a dual-RAT aggregation device in a 802.11n network is shown in Figure 5:

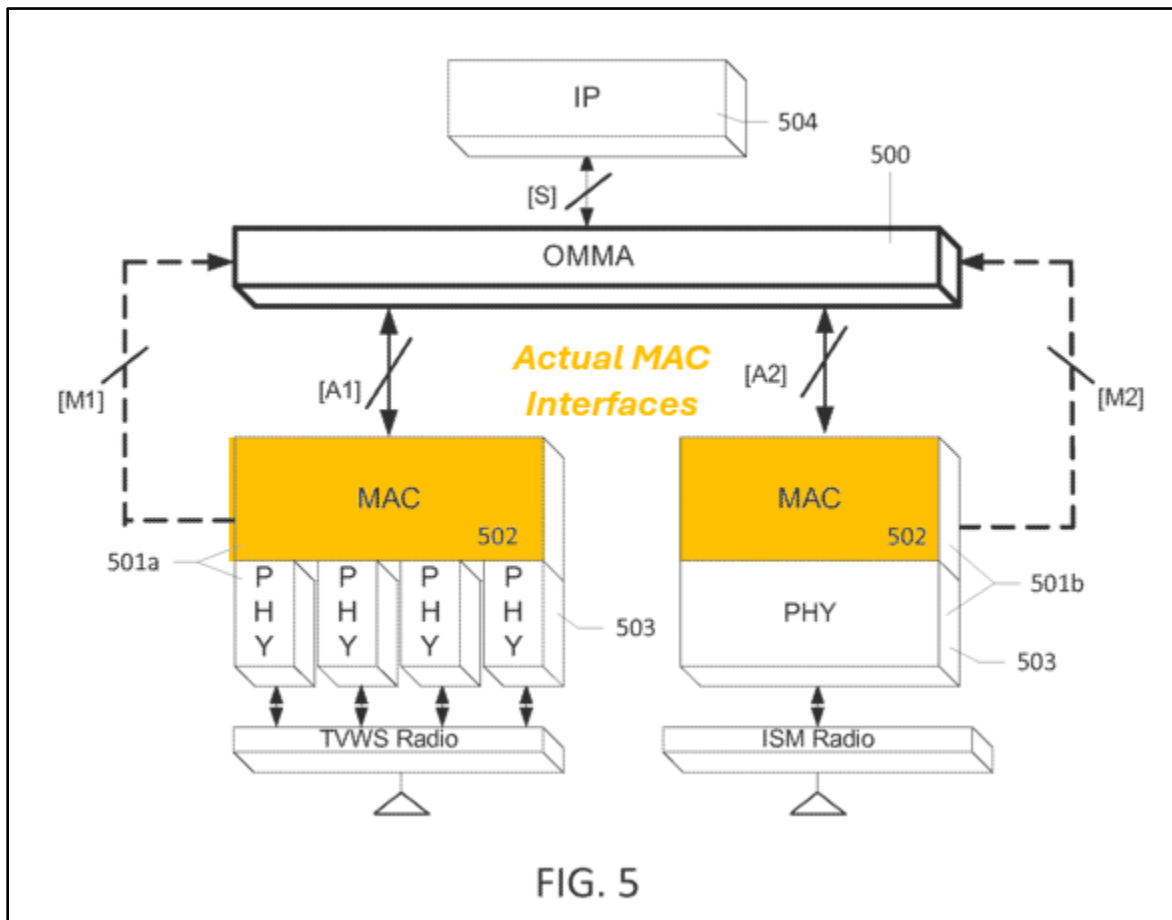


84. The IP layer is connected to the OMMA layer and provides IP packets that the OMMA layer processes. (EX1005 at [0138].) The OMMA “may allow for enhanced throughput and reduced latency for a single IP flow.” (EX1005 at [0120].) The OMMA layer is therefore a processing layer, which processes IP packets and provides an *interface* between the IP layer and actual MAC layers, i.e., a *processing interface*.

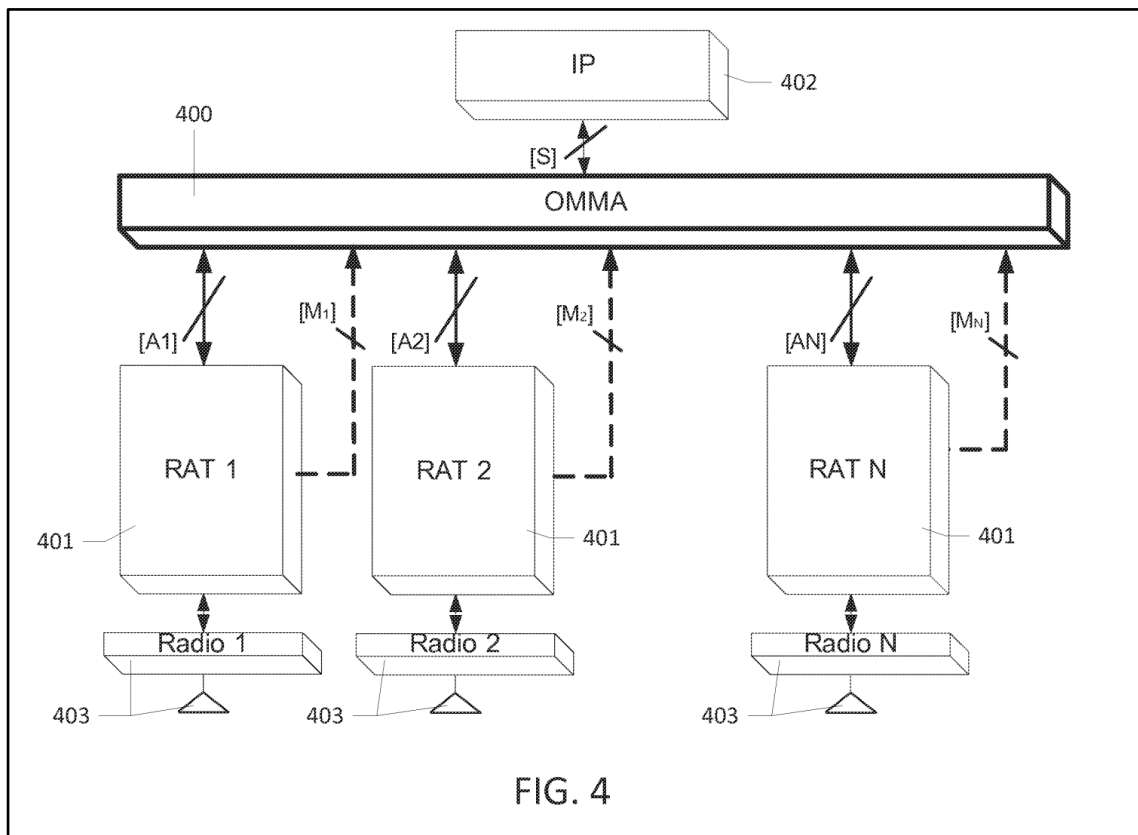
85. “*first application ... having a first wireless bandwidth requirement*”: Chincholi teaches “a bandwidth requirement for an IP flow.” (EX1005 at [260].)

- c) 1[b]: connecting first, second and third actual MAC interfaces to the processing interface:

86. In my opinion, Chincholi/Riggert discloses this limitation. Chincholi discloses first, second, and third **actual MAC interfaces** connected to the processing interface (i.e., the common OMMA layer). Figure 5, for example, depicts a “dual-RAT aggregation” with the common OMMA layer existing above and connected to two RATs 501a and 501b, which comprise first and second actual MAC interfaces 502, respectively. (EX1005 at [0138] (“**The RATs 501a, 501b may comprise a MAC layer/module 502 and one or more physical layers/modules 503.**”).)



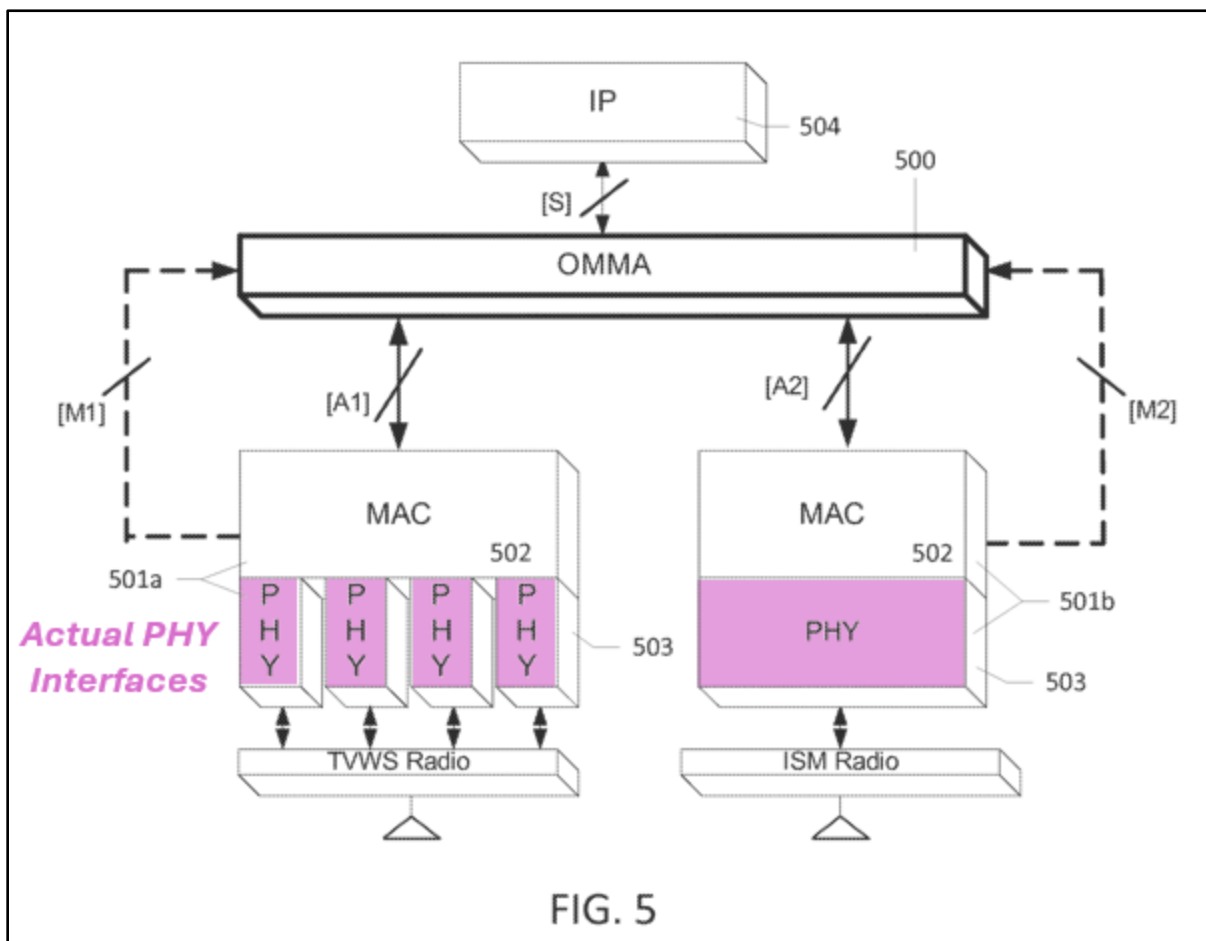
87. While Figure 5 depicts only first and second actual MAC interfaces, Chincholi discloses that there can be any number of MAC interfaces in an 802.11 implementation. For example, Figure 4—a more general block diagram of the architecture set forth in Figure 5—depicts the OMMA layer existing above any number of RATs.



88. Consistent with Figure 5, Chincholi explains that a given “RAT 401” can comprise a “PHY/MAC,” *i.e.* includes an actual MAC interface. (EX1005 at [0135].) A POSITA would have understood that in a typical 802.11 implementation, each one of the three RATs would have actual MAC and PHY interfaces.

- d) 1[c]: connecting first, second and third actual PHY interfaces respectively to the first, second and third actual MAC interfaces:

89. In my opinion, Chincholi discloses this limitation. Each RAT in Chincholi comprises *one or more physical layers*. (EX1005 at [0138] (“The RATs 501a, 501b may comprise a MAC layer/module 502 and *one or more physical layers/modules 503*.”).) The actual PHY layers are connected to the actual MAC interfaces:



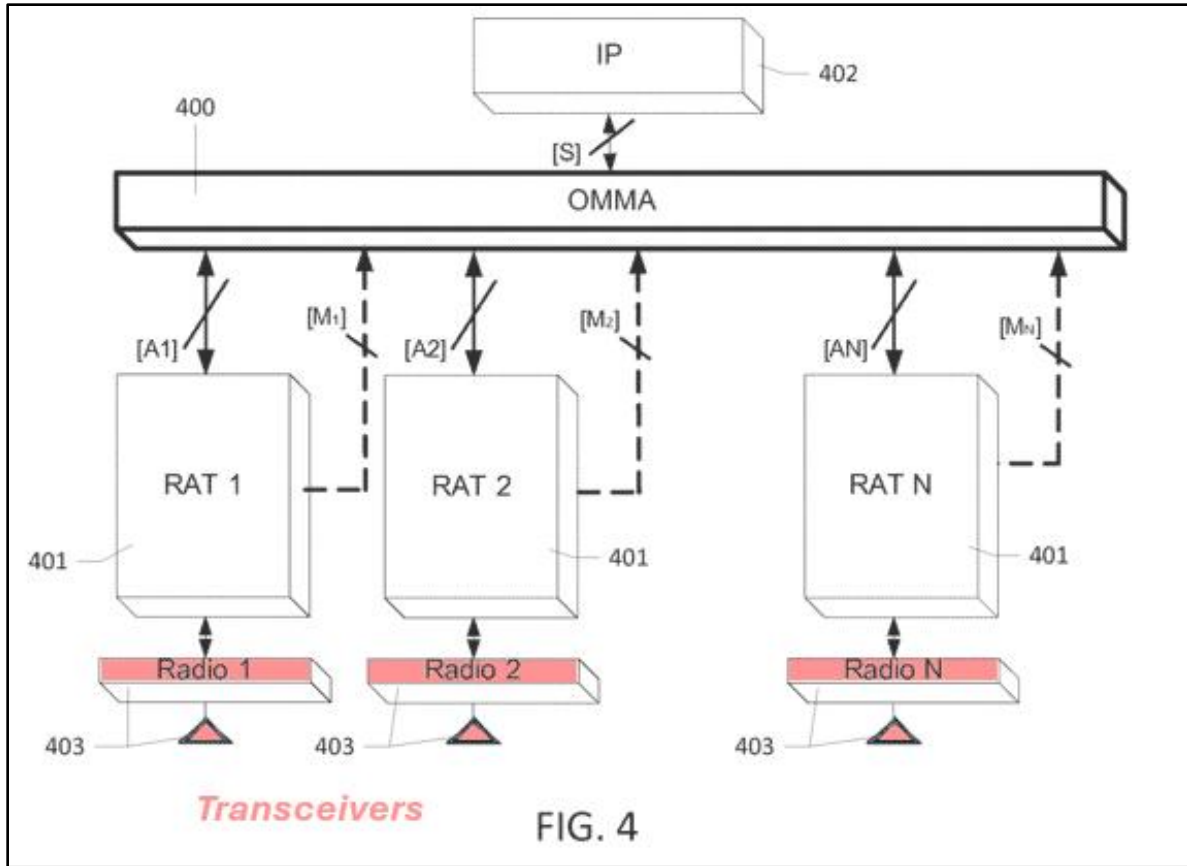
90. As discussed above, limitation 1[b], Chincholi Figure 4 and its associated description discloses a common OMMA layer existing above any number

of RATs. In an 802.11 system, each RAT shown in Figure 4 would correspond to an actual MAC-PHY pair, thus disclosing first, second and third actual PHY interfaces connected to first, second, and third actual MAC interfaces. (EX1005 at [0135].)

- e) *1[d]: first, second, and third wireless transceivers respectively associated with the first, second, and third actual PHY interfaces, wherein each one of the first, second, and third wireless transceivers (i) is suitable for use in a wireless local area network, (ii) has a first, second, and third bandwidth availability up to a first, second, and third actual bandwidth, and (iii) is adapted to emit radio waves in first, second, and third different bands of frequencies, the second, and third frequency bands both being higher in frequency than the first frequency band:*

91. In my opinion, Chincholi/Riggert discloses this limitation.

92. ***“associating first, second, and third wireless transceivers respectively with the first, second, and third actual PHY interfaces ... suitable for use in a wireless local area network”***: Chincholi Figures 4 and 5 illustrate how each actual PHY interface of each RAT is associated with an ***antenna/radio frequency (RF) front-end pair***. (EX1005 at [0133].)



93. The *antenna/radio frequency (RF) front-end pairs* in Figures 4 and 5 are *first, second, and third transceivers*. A POSITA would have understood that a “transceiver” is a physical device that can both transmit and receive information. Thus, each of Chincholi’s disclosed “antenna/RF front-end pairs” are a transceiver because they operate on wireless protocols that both transmit and receive data, such as IEEE802.11, IEEE802.11ac, IEEE802.11af, LTE, WCDMA, etc. (EX1005 at [0134].) A POSITA would have further understood that the transceivers in Figures 4 and 5 would be associated with the actual PHY layer of each respective RAT, as the PHY layer is understood as the physical connection between a transceiver and the rest of the RAT.

94. Chincholi also teaches that each RAT may be implemented as a Wi-Fi RAT, and thus their associated transceivers are suitable for use in a wireless local area network. (EX1005 at [0134].)

95. ***“each of the first, second and third wireless transceivers ... has a first, second, and third bandwidth availability up to first, second and third actual bandwidths”***: In my opinion, the plain meaning of this limitation is that each of the wireless transceivers has at least three bandwidth availabilities and three respective actual bandwidths. However, I understand that Patent Owner has alleged in the parallel litigation that this limitation may be met by each of the three wireless transceivers having one respective bandwidth availability up to an actual bandwidth. (EX1012; EX1013 at 18-19.) Regardless, Chincholi discloses or renders obvious this limitation under either interpretation.

96. Consistent with PO’s infringement contentions, a POSITA would have recognized that each transceiver has an “actual” bandwidth (*i.e.*, total bandwidth of the transceiver) with a “bandwidth availability” that may be a subset of the actual bandwidth (*i.e.*, sub-portions of the total bandwidth that are available for use). Indeed, as Chincholi teaches, the RATs associated with each transceiver provide “meta-data feedback” allowing the OMMA layer to split IP packets amongst the RATs based on their available bandwidth. (EX1005 at [0138]; [0161] (listing “Channel bandwidth(s)” sent by the PHY layer as an example of “feedback metric[]

used by an OMMA layer”); *see also id.* at [0167] (“At startup, the OMMA layer may receive the ***available bandwidth of each of the one or more RATs.***”).) Thus, Chincholi discloses that each of the three transceivers has a bandwidth availability up to an actual bandwidth.

97. Chincholi also discloses that there are multiple available bandwidths for each transceiver, specifically that a transceiver’s feedback metrics include available “[c]hannel bandwidth(s)” in the form of a “Vector/list of elements which are multiple of 0.5 MHz.” (EX1005 at [0161], Table 2.) A POSITA would understand a “vector” or “list” data structure is a data structure for transferring multiple data elements of indeterminate count, and would therefore understand that the number of available “channel bandwidths” stored in the vector could and would exceed two.

98. ***“each of the first, second and third wireless transceivers ... is adapted to emit radio waves in first, second and third bands of frequencies, the first and second frequency bands being different from each other”***: In my opinion, the plain meaning of this limitation is that each of the three transceivers emit radio waves in all three frequency bands. I understand that Patent Owner, however, has read this limitation to only require that each transceiver emit on a single, mutually exclusive frequency band. For example, in its infringement contentions, Patent Owner alleges that this limitation is met by implementation of the Wi-Fi 7 Draft Standard where

“[t]he first transceiver is the 2.4 GHz transceiver,” the second is “one of the 5 GHz and 6 GHz transceivers” and the third is “the other one of the 5 GHz and 6 GHz transceivers.” (EX1012; EX1013 at 19.) Regardless, Chincholi discloses or renders obvious this limitation under either interpretation.

99. The transceivers of each RAT are adapted to emit radio waves in respective different bands of frequencies, consistent with Patent Owner’s infringement contentions. In the context of Figure 4, Chincholi discloses that “[f]or multiple RATs 401, ***each RAT 401 may be operating on a specific band.*** For example, a 802.11n PHY/MAC operating over 2.4GHz ISM band, a 802.11af PHY/MAC operating over 512 MHz-698 MHz TVWS band, an LTE RAT operating of a licensed band (*e.g.*, 700 MHz band), a Bluetooth RAT operating on 2.4 GHz ISM band, *etc.*” (EX1005 at [0135].) Thus, a POSITA would understand that Chincholi discloses this limitation under PO’s interpretation.

100. Chincholi also discloses that each transceiver can emit radio waves within all of the at least three frequency bands. For example, Chincholi describes that an NT and WTRU “may communicate with each other over a single radio frequency (RF) spectral band” such as “2.4 GHz ISM band, ***or*** 5 GHz ISM band,” even when the devices are “multi-RAT capable devices,” *i.e.* comprising multiple transceivers. (EX1005 at [0118].) Chincholi further describes that the frequency band is comprised of “multiple contiguous or noncontiguous channels” within the

band over which the devices communicate. *Id.* Accordingly, a POSITA would understand that each transceiver operating on the 2.4 GHz ISM band is adapted to emit radio waves in any one of three contiguous channels, *i.e.* the ***first, second, and third different bands of frequencies***, and thus satisfies the claim limitation under the alternative interpretation.

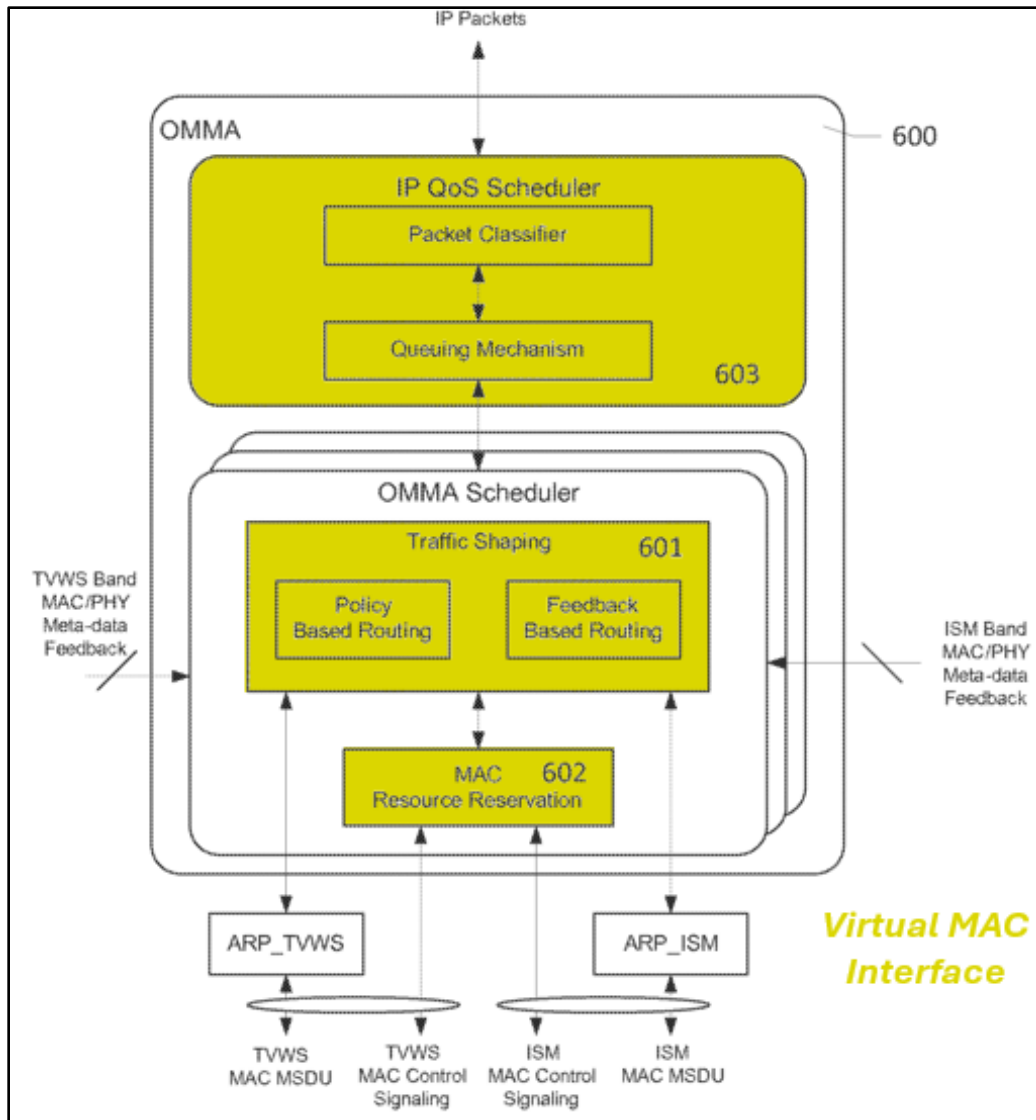
- f) *1[e]: forming in the processing interface (i) at least one virtual MAC interface and (ii) first, second and third virtual PHY interfaces that, during operation of the wireless networking device, feed information regarding the bandwidth availabilities of the first, second and third wireless transceivers back to the at least one virtual MAC interface;*

101. In my opinion, Chincholi discloses or renders obvious and/or Chincholi/Riggert render this limitation obvious. According to the '143 patent, the claimed virtual MAC and PHY layers “enable simultaneous allocation of multiple PHY resources for different signal types associated with different applications.” (EX1001 at 3:41-47.) The patent states that the virtual MAC layer comprises the functionality of “decision,” “processing,” and “ultra-streaming” blocks, while the virtual PHY layer may comprise one or more “RF blocks.” (EX1001 at 4:39-44.) The virtual PHY layer may include multiple RF blocks, each representing the virtual use of some set of allocated transceiver resources. (EX1001 at 4:41-44; *see also* Fig. 3 (depicting two RF blocks associated with “two sets” of transceiver resources).) “By employing a virtual MAC and virtual PHY between an application layer and an

actual MAC and PHY layer, wireless transceiver resources may be allocated more efficiently to handle various data bandwidth requirements from different applications.” (EX1001 at 5:60-64.)

102. *First*, Chincholi discloses that the OMMA (*i.e.*, the processing interface) includes the claimed “**virtual MAC interface**.” Indeed, “OMMA” is an abbreviation for “opportunistic multi-medium access control (**MAC**) **aggregation**,” which refers to the fact that the OMMA layer aggregates multiple MAC interfaces, as depicted in Figure 5. (EX1005 at [0120].) The OMMA layer includes an interface acting as a “virtual MAC interface” because it transparently “distributes and/or combines” packets between the IP layer and the RATs. (EX1005 at [0120]; [0192].) A POSITA would have recognized that this “virtualizes” a MAC interface because the OMMA would effectively appear to the IP layer as a single interface for exchanging packets that are ultimately sent or received by the actual MAC-PHY pairs.

103. Chincholi’s OMMA layer also includes all of the functionality that the ’143 patent associates with the “virtual MAC interface.” Specifically, Figure 6 of Chincholi is a block diagram of an OMMA layer, comprising an IP QoS Scheduler 603, a MAC Resource Reservation module 602, and a Traffic Shaping Module 601. (EX1005 at [0139].)



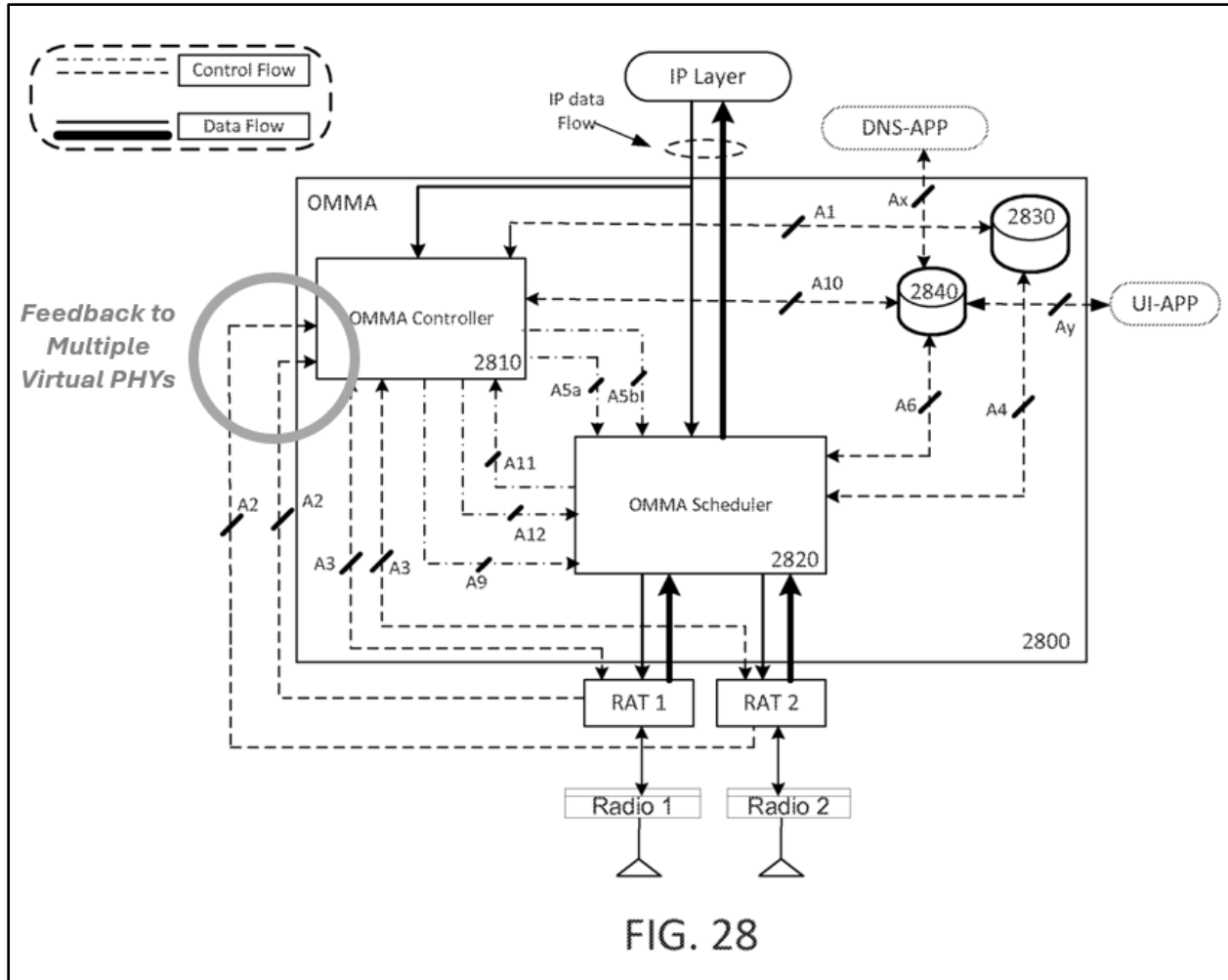
104. The IP QoS Scheduler classifies incoming packets of a packet stream, and may segregate them into distinct IP QoS streams (EX1005 at [0143]), which a POSITA would have recognized to fulfill the functionality of the “decision block” of the ’143 patent’s “virtual MAC interface” (EX1001 at 3:41-44). The MAC Resource Reservation module determines the time duration or spectral fragment/bandwidth required by a packet or set of packets (EX1005 at [0142]), which a POSITA would have recognized to fulfill the functionality of the

“processing block” of the ’143 patent’s “virtual MAC interface” (EX1001 at 3:24-26). Finally, the Traffic Shaping module determines the way packets are routed across RATs using either policy based routing or feedback based routing (EX1005 at [0139]), which a POSITA would have recognized to fulfill the functionality of the “ultra-streaming block” of the ’143 patent’s “virtual MAC interface” (EX1001 at 3:26-30). Thus, a POSITA would have recognized that Chincholi’s OMMA layer includes a “*virtual MAC interface*.”

105. Second, Chincholi discloses that its processing interface comprises the “*first, second, and third, virtual PHY interfaces formed in the processing interface*” to feed information regarding the bandwidth availabilities of the first, second, and third, wireless transceivers back to the at least one virtual MAC interface. Chincholi discloses that the traffic shaping module of the OMMA (*i.e.*, part of the “virtual MAC interface”) may determine packet routing using “feedback based routing.” (EX1005 at [0139].) In feedback based routing, “the OMMA transmitter may use measurement metrics fed back from each RAT,” which include “channel quality metrics and the *number of available resources on the medium*.” (EX1005 at [0161].)

106. Figures 28, 29, and their associated descriptions describe how Chincholi collects feedback from each RAT for the traffic shaping module. Figure 28 illustrates how the OMMA layer includes an OMMA Controller, which interfaces

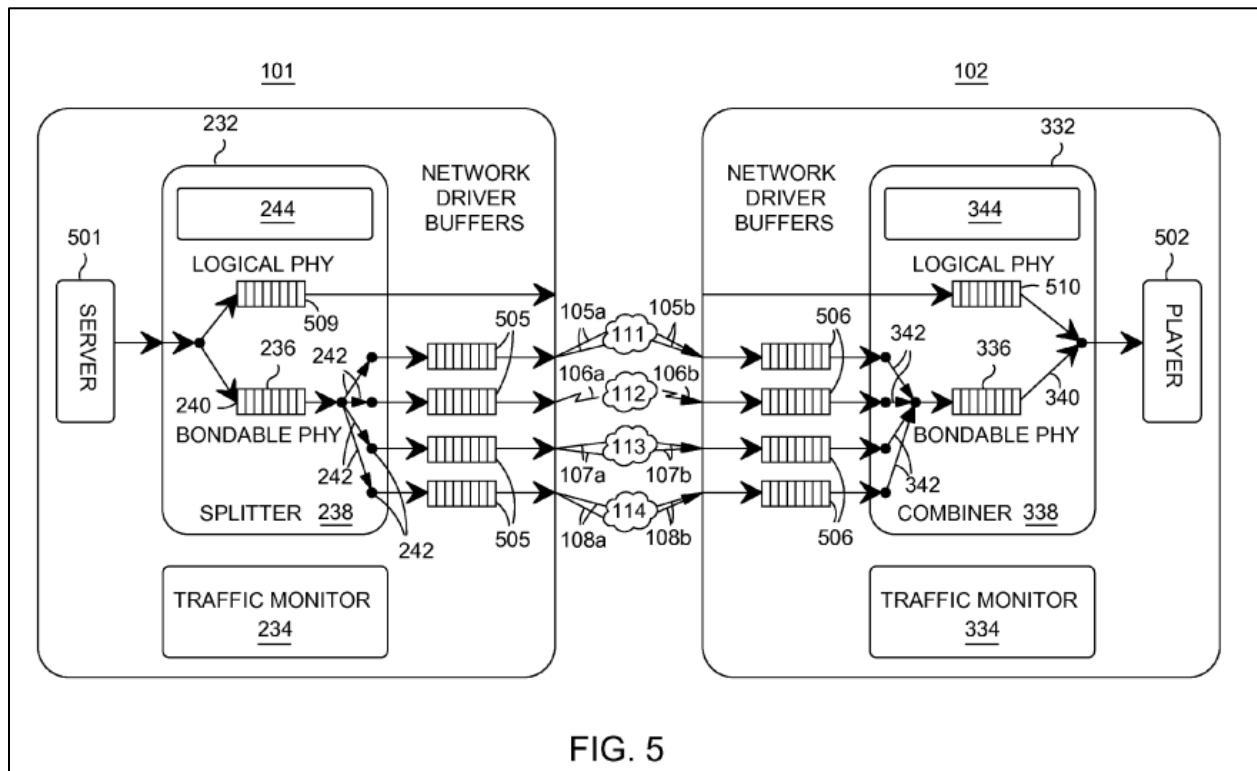
with each RAT to collect metrics regarding the channel quality and number of resources available on the medium. Specifically, using interface “A2” in Figure 28, “[a] RAT (*e.g., each RAT*) may provide feedback metrics (*e.g., a vector comprising a value of serving rate, jitter, packet delay, and packet loss rate on its MAC*) to the OMMA Controller 2900 *per device (e.g., WTRU or NT) per access category supported at that RAT.*” (EX1005 at [0205].) It would have been obvious to a POSITA to incorporate first, second, and third virtual PHY interfaces into the OMMA Controller of Chincholi to collect the disclosed feedback metrics from each RAT over the “A2” interface and feed it back to the virtual MAC interface.



107. Further details regarding the implementation of virtual PHY interfaces is disclosed by Riggert. As discussed above, *supra* Section IV, Riggert teaches a “bondable virtual interface” that provides one or more virtualized physical interfaces to the actual PHY layers of the communication channels, allowing for easy substitution of the interface throughout the system. (EX1006 at [0065].) Providing this sort of virtualized physical interface for transceivers in an 802.11 system is particularly beneficial as it allows an access point to accommodate communication channels with wireless devices that may operate using various different generations

of the 802.11 standards. Virtualization of the physical interface for this purpose is taught, for example, in background reference U.S. Patent Application 2009/0141691 (“Jain”). (See EX1007 at [0034-0037]).

108. Figure 5 teaches the basic architecture for implementing “bondable physical interfaces” in the wireless network devices of a multi-channel network:



109. The “bondable virtual interface” in Figure 5 on the server side is denoted as a “bondable PHY” (240). While the exemplary architecture depicts only a single “bondable virtual interface” associated with four actual transceiver resources, Riggert teaches that **multiple** physical bondable interfaces are possible in a single device. For example, each network endpoint may comprise a “plurality of

bondable virtual interface connectors 244 and 344, respectively,” each one of which may be associated with specific bondable virtual interface. (EX1006 at [0069].)

110. For the reasons discussed above, *see* Section VI.A, a POSITA would have been motivated to combine Riggert’s implementation of virtual PHY interfaces into the OMMA Controller of Chincholi for the purposes of receiving the feedback statistics over the “A2” interfaces and passing that feedback data to Chincholi’s traffic shaping module. The resulting combination would implement one or more bondable virtual PHY interfaces into Chincholi’s OMMA controller, each associated with one or more actual MAC-PHY pairs, thus increasing flexibility in the system.

- g) *1[f]: wherein the processing interface is configured to, when the wireless networking device is being used, in a manner transparent to any layer of the wireless networking device above the processing interface,*

111. In my opinion, Chincholi/Riggert discloses this limitation. Chincholi discloses that its OMMA layer (*i.e.*, processing interface) is configured to operate in a manner transparent to any higher layer. For example, Chincholi discloses that “[t]he OMMA layer ***may be transparent***, in that it distributes and/or combines packets from different RATs and forwards the packets to the IP layer.” (EX1005 at [0192], [0126].) This is as opposed to a “non-transparent” configuration in which the OMMA layer would “add[] additional headers [] at the transmitter, and/or reads and removes the headers at the receiver.” (EX1005 at [0192].)

- h)** *1[g]: (i) respectively request or create first, second and third associations between a first recipient and the first, second and third actual MAC and PHY interfaces,*

112. In my opinion, Chincholi discloses this limitation. Chincholi discloses techniques for network terminals and WTRUs to discover one another using active and passive scanning procedures. (EX1005 at [0145].) After an authentication procedure, Chincholi discloses that WTRUs may transmit a request to associate with one or more RATs of the network terminal and that the network terminal may provide an association response signal accepting or rejecting the request of the WTRU. (EX1005 at [0149].) A POSITA would have recognized that these scanning procedures disclose the ability of Chincholi's OMMA layer to request or create associations between recipients and first, second, and third actual MAC and PHY interfaces.

113. When operating transparently with respect to higher layers, *see* limitation [1g], Chincholi's OMMA layer handles the request/response and creation of associations with WTRUs. (EX1005 at [0127] (“[A]ssociation request/response frames may be updated by the OMMA layer to include OMMA device discovery parameters, for example, such as but not limited to OMMA modes, OMMA schemes, OMMA packet distribution modes, etc.”)). Thus a POISTA would have recognized that the request or creation by Chincholi's OMMA layer of associations

between recipients and the actual MAC and PHY interfaces would be performed in a manner transparent to higher level layers.

- i) *1[h]: (ii) identify at least a portion of bandwidth available for communication of a first selected wireless transceiver of the first, second and third wireless transceivers,*

114. In my opinion, Chincholi/Riggert discloses this limitation. Chincholi teaches that NTs and WTRUs communicate with one another over “channels,” which are portions of a transceiver bandwidth availability. Specifically, “[t]he NT and WTRU may communicate with each other over a single radio frequency (RF) spectral band, for example, 2.4 GHz ISM band, or 5 GHz ISM band, or TVSWS band, or 60 GHz band, **using a channel within the band or aggregating multiple contiguous or noncontiguous channels.**” (EX1005 at [0118]; *see also id.* at [0121] (“An 802.11 based system may operate in a time division duplexing (TDD) mode, for example, **on a band over a single 20/40MHz channel in the case of ISM band or a single 5/10/20 MHz channel in television white space (TVWS) band** using contiguous/non-contiguous carrier aggregation.”).)

115. Chincholi also discloses identifying available bandwidth channels of a selected wireless transceiver for communication. The OMMA layer receives various feedback information from each RAT. (EX1005 at [0123].) For example, “the OMMA transmitter may use measurement metrics fed back from each RAT,” which include “channel quality metrics and the **number of available resources on the**

medium.” (EX1005 at [0161].) Amongst the available resources provided as part of the feedback information are the “number of channels” and “channel bandwidth” (*i.e.*, the width of the channel, such as 20/40 MHz in the case of the ISM band). (EX1005 at [0161].)

116. In my opinion, a POSITA would have understood that the ability of Chincholi’s OMMA layer to receive from each RAT a number of channels and channel bandwidth is an identification of “at least one portion” (*i.e.*, at least one available channel, or an aggregation of multiple contiguous or non-contiguous channels) of the first actual bandwidth of a first selected wireless transceiver. A POSITA would have further understood that each identified channel bandwidth is comprised of a number of frequency carriers, which are a set of given communication resources for the identified channel.

117. In my opinion, Chincholi further discloses that the OMMA layer evaluates the identified channel availabilities with respect to the first bandwidth requirement of the first application and allocates bandwidth resources accordingly. As Chincholi teaches, “the OMMA layer may determine a time duration and a bandwidth requirement for an IP flow.” (EX1005 at [260].) With knowledge of this total bandwidth requirement, as well as the feedback information indicating the number of channels available on each RAT, Chincholi teaches how its “OMMA

layer may intelligently manage data traffic across multiple RATs . . . as a function of the link quality of each RAT.” (EX1005 at [0194].)

118. Specifically, Chincholi discloses how “[t]he OMMA layer may request resources on a first RAT and on a second RAT based on the time duration and the bandwidth requirement for the first IP packet and the second IP packet of the IP flow.” (EX1005 at [0260].) “The resources are characterized by the time duration and the bandwidth requirement.” (*Id.*) This functionality may be performed, for example, by a “MAC Resource Reservation module 602” of the OMMA layer, which “determine[s] an amount of time duration and/or spectral fragment/bandwidth required by a packet or a set of packets.” (EX1005 at [0142].)

119. Chincholi goes on to detail multiple feedback-based OMMA algorithms for allocating IP packets across respective RATs based on their bandwidth availability. (EX1005 at [0162].) For example, in a “cold start” phase, Chincholi teaches how the OMMA layer “may request the individual RATs to transmit the total channel bandwidths supported by them.” (EX1005 at [0163].) Thus, the distribution of IP packets across two separate RATS, operating on two different frequency bands, may be calculated as the simple ratio of available bandwidth on the two RATs:

$$BW_{ISM} : \sum_{k=1}^N BW_{TVWS}^k$$

(EX1005 at [0163].) Chincholi then discloses more sophisticated algorithms for allocating packets based on *both* available bandwidth and link quality for each of a “ramp-up phase” and a “steady state phase.” (EX1005 at [0164]-[0165]).

120. Based on the foregoing, a POSITA would have understood that Chincholi discloses evaluating the identified bandwidth availabilities of the wireless transceivers with respect to the bandwidth requirement of the first application.

121. Indeed, consistent with the purported technological advance of the ’143 patent, Chincholi teaches how the common OMMA layer, situated above the actual MAC interfaces, is uniquely positioned to make a global evaluation of the bandwidth requirement for an IP flow with respect to available transceiver resources. An individual actual MAC, for example, “may be unaware of the resource allocation to the NT and WTRU by other MACs,” and thus permitting multi-RAT resource allocation would “not be globally optimal.” (EX1005 at [259].) “Since the OMMA layer may be the common entity which is aware of the link quality metrics on each RAT for a device and QoS class . . . , a globally optimal resource allocation may be performed at the OMMA layer, and the optimal resource allocation may be signaled to the MAC on each RAT.” (EX1005 at [259].)

- j) 1[i]: (iii) *prepare the first data stream for transmission to the first recipient from the first selected wireless transceiver using a specific subset of frequencies corresponding to the identified portion of the available bandwidth of the first selected wireless transceiver, and*

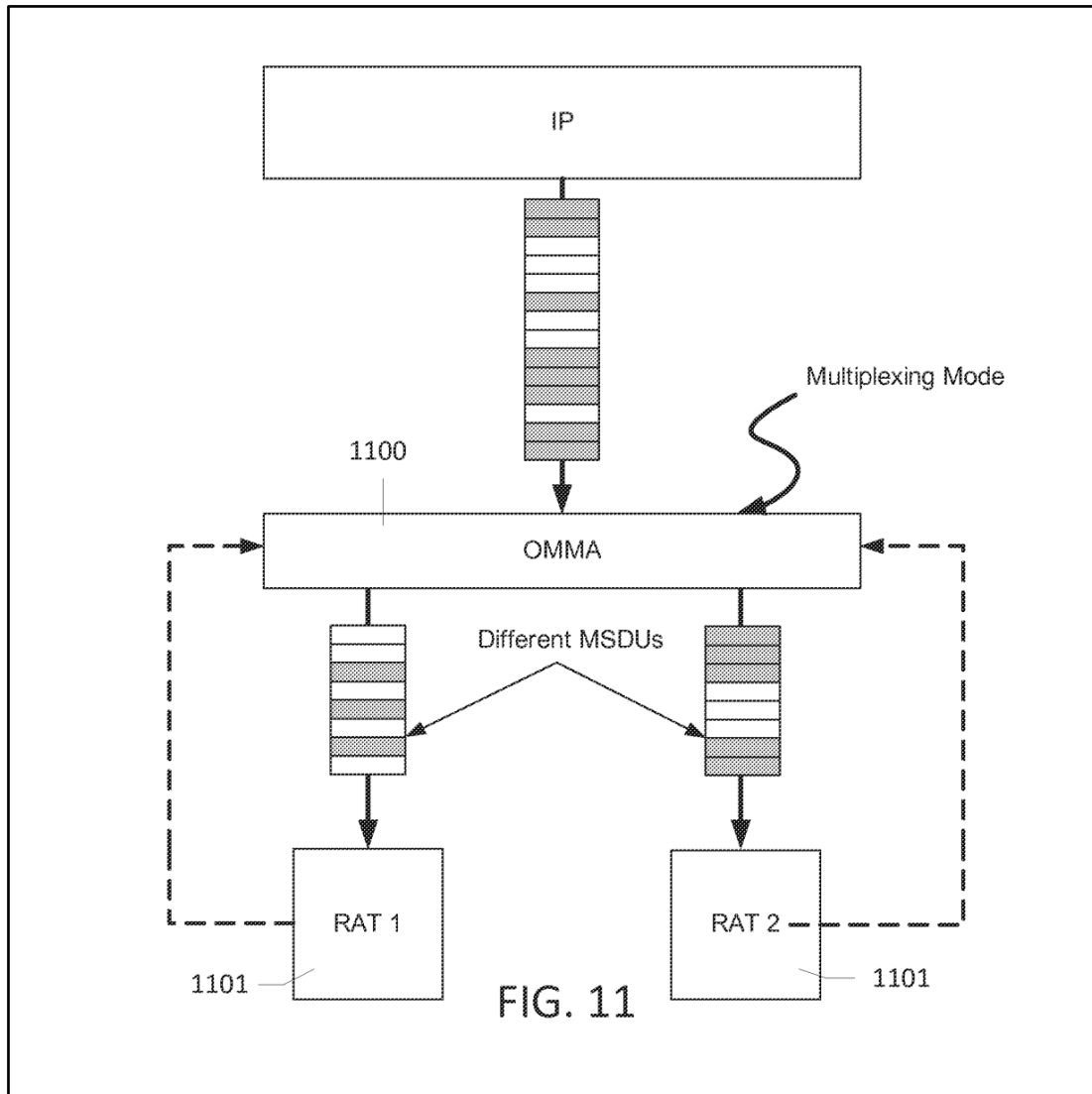
122. In my opinion, Chincholi/Riggert discloses this limitation. Based on its evaluation of transceiver bandwidth availability with respect to application bandwidth requirement, Chincholi discloses using the bandwidth availabilities of a selected transceiver to transmit the first data stream to a recipient using a specific subset of frequencies corresponding to their identified portions.

123. As discussed above, see limitation 1[h], Chincholi reserves resources from the identified portions of available bandwidth of the transceiver to prepare the data stream for transmission. Once bandwidth and spectral fragments have been allocated, preparing the data stream for transmission further includes segmenting the data, mapping the data stream to the allocated bandwidth resources, applying appropriate modulation and coding schemes, and generating the physical-layer signals for transmission over the selected transceiver. The data stream is then transmitted. (EX1005 at [0172], Fig. 19).

- k) 1[j]: (iv) *cause the prepared first data stream to be transmitted from the first selected wireless transceiver to thereby at least partially satisfy the first wireless bandwidth requirement of the first application;*

124. In my opinion, Chincholi discloses ***causing the prepared first data stream to be transmitted*** from the selected transceiver. Figure 11, for example,

shows how the OMMA layer splits a single IP stream of packets (*i.e.*, “MAC Service Data Units” or “MSDUs”) for transmission across two RATs simultaneously.



125. As Chincholi discloses, “[u]sing multiple RATs *simultaneously* may provide increased bandwidth and/or increased reliability for an application.” (EX1005 at [0194].) Since the transceivers were selected based on their ability to partially satisfy the application’s bandwidth requirement, the transmission *partially satisfies the bandwidth requirement*.

126. Finally, Chincholi discloses that the transceiver selection, data stream preparation, and simultaneous transmission is all performed by the OMMA in a manner transparent to higher levels: “[t]he OMMA layer **may be transparent**, in that it distributes and/or combines packets from different RATs and forwards the packets to the IP layer.” (EX1005 at [0192], [0126].)

- l) *1[k]: wherein the processing interface is configured to, when the wireless networking device is being used, in a manner transparent to any layer of the wireless networking device above the processing interface,*

127. In my opinion, this limitation is disclosed for the same reasons I discussed for limitation 1[f], as it is an identical limitation.

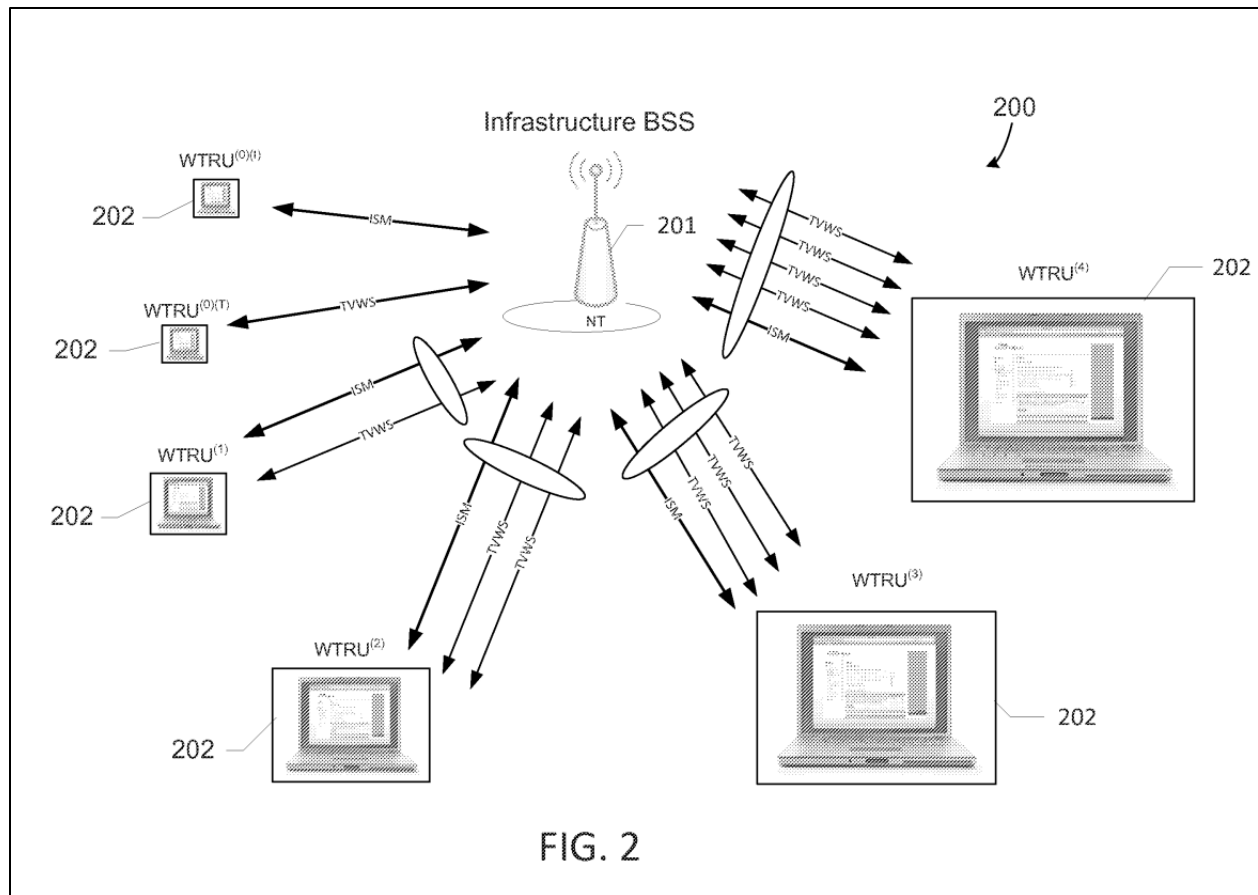
- m) *1[l]: (i) identify at least a portion of bandwidth available for communication of a second selected wireless transceiver of the first, second and third wireless transceivers to receive a data stream transmitted from a second recipient,*

128. In my opinion, Chincholi/Riggert discloses this limitation. This limitation is similar to limitation 1[h], however where limitation 1[h] requires identifying bandwidth for a **first** transceiver to transmit data to a **first** recipient, this limitation instead requires identifying bandwidth for a **second** transceiver to receive data from a **second** recipient.

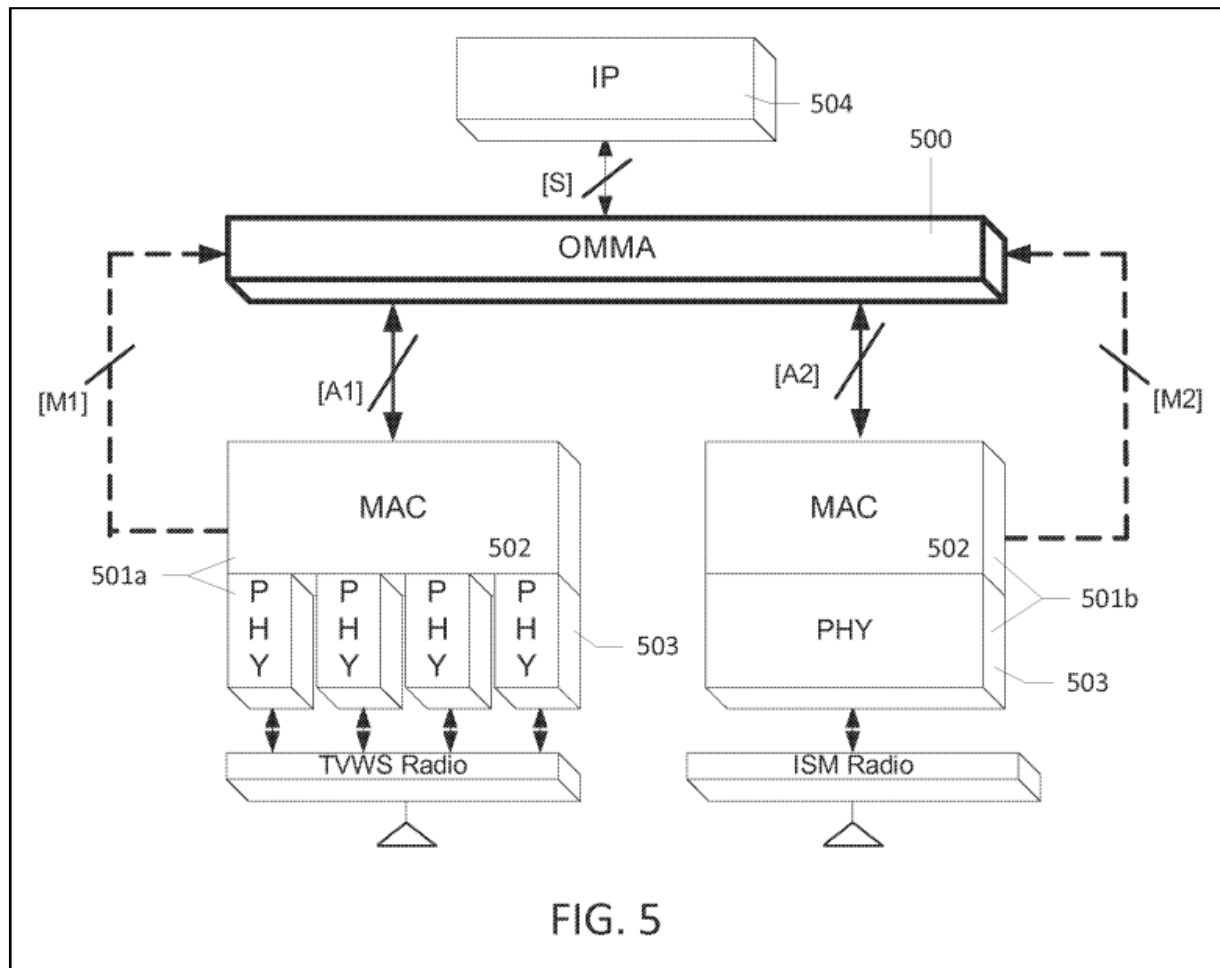
129. As I discussed for limitation 1[h], Chincholi describes how the OMMA receives feedback from “each RAT” in a multi-RAT (i.e. **multi-transceiver**) NT or WTRU in order to identify which portion of the channel bandwidth to allocate for

transmitting or receiving data for an IP flow. EX1005 at [0123], [0142], [0161]-[0165], [0259]-[0260]. Thus, Chincholi describes identifying available bandwidth for a ***second transceiver***.

130. And as I further discussed for limitation 1[g], Chincholi discloses multiple WTRUs (*i.e.* ***first and second recipients***) associating with one or more RATs of the network terminal (*i.e.* ***second transceiver***), thus disclosing the ability of Chincholi's OMMA layer to request or create associations between multiple recipients and multiple transceivers that receive data streams from said recipients. (EX1005 at [0149]). As depicted in Figure 2, a communications system includes an NT (201) interfacing with multiple WTRUs (202), wherein each WTRU transmits and receives data streams on bandwidth portions of one or more transceivers (TVWS and/or ISM). (EX1005 at [0121]); *see also* [0349] ("For example, a NT may communicate substantially simultaneously with multiple UTs (e.g., as illustrated in FIG. 53). Multiple IP flows belonging to different QoS classes may be served by the NT-WTRU links (e.g., each NT-WTRU link), where each IP flow may have different packet delay and/or throughput requirements.").



131. Chincholi also discloses how its OMMA layer enables identification of the available bandwidth for *receipt* of an IP flow. Figure 5, for example, depicts a two-way data flow between the actual MAC layer and the OMMA layer on links “A1” and “A2”:



132. Further, Table 1 of Chincholi describes the “A1” and “A2” links of Figure 5 as involving both the “Incoming” and “Outgoing” MAC MSDUs (MAC service data units). (EX1005 at [0138].) Indeed, Chincholi describes that the OMMA layer aggregates bandwidth across multiple RATs, in a manner transparent to higher levels, to either “distribute[]” or “**combine[]**” packets from different RATs. A POSITA would have understood that the ability of the OMMA layer to “combine” packets relates to combining simultaneously received packets across multiple RATs from a single IP flow prior to transmission up to the IP layer. Finally, a POSITA

would have also recognized that the ability to implement Chincholi's system to simultaneously transmit the first data stream using the first transceiver and receive the second data stream using the second transceiver. Because Chincholi's system is capable of implementing multiple antenna/RF pairs, each operating on a different specific frequency band (EX1005 at [0136]), a POSITA would recognize the ability to implement Chincholi as a simultaneous transmit and receive system.

133. Operating a multi-transceiver system like Chincholi to simultaneously transmit from one transceiver and receive from another was well-known and obvious to a POSITA at the time of the '143 patent. This is explained, for example, in background reference U.S. Patent 10,567,147 ("DiFazio") (EX1010). DiFazio teaches that a "full duplex" system is one that transmits and receives the radio frequency RF signal simultaneously. (EX1010 at 1:24-26.) This is most often accomplished by implementing "frequency division duplexing (FDD) where the Tx and Rx bands may be sufficiently separated in frequency such that filters can adequately attenuate any energy from the Tx signal that would leak into the Rx signal path and otherwise corrupt the Rx signal and prevent proper operation." (EX1010 at 1:26-31; *see also id.* at 16:51-67, 17:48-18:23.) Additionally, DiFazio teaches a "full duplex single channel" (FDSC) capability, wherein a base station may even simultaneously transmit and receive data streams in a single frequency channel. (EX1010 at 13:31-56.)

134. In my opinion, a POSITA would have been motivated to implement a simultaneous transmit and receive functionality into the system taught by Chincholi to achieve greater network efficiency and throughput. DiFazio teaches, for example, the ability to simultaneously transmit and receive using FDSC can achieve 70% greater throughput as compared to conventional half-duplex systems. (EX1010 at 16:29-30.) To the extent not explicitly disclosed by Chincholi, implementing a simultaneous transmit and receive functionality into its disclosed system would have been technologically feasible and could be accomplished in straightforward manner with a reasonable expectation of success.

- n) *1[m]: (ii) receive the data stream transmitted to the wireless networking device from the second recipient utilizing a specific subset of frequencies corresponding to the identified portion of the bandwidth available for communication of the second selected wireless transceiver;*

135. In my opinion, Chincholi/Riggert discloses this limitation. As I discussed above for limitations 1[h] and 1[i], Chincholi describes that its OMMA layer identifies portions of available bandwidth for a transceiver to transmit and receive data in the form of “channels,” with each channel being associated with a specific frequency sub-band. (EX1005 at [0118] (“The NT and WTRU may communicate with each other over a single radio frequency (RF) spectral band, for example, 2.4 GHz ISM band, or 5 GHz ISM band, or TVSWS band, or 60 GHz band,

using a channel within the band or aggregating multiple contiguous or noncontiguous channels.”), [0121].)

136. And as I further discussed for limitation 1[l], Chincholi teaches receiving a data stream transmitted by a **second recipient** by utilizing the assigned portion of available of a **second transceiver**.

- o)** *1[n]: wherein the transmission of the first data stream to the first recipient occurs at least partially simultaneously with the reception of the data stream transmitted from the second recipient;*

137. In my opinion, Chincholi/Riggert discloses this limitation. Chincholi discloses that the transmission of a first data stream on a first transceiver occurs simultaneously with the reception of a data stream on a second transceiver. In particular, Chincholi discloses that “a NT may communicate substantially **simultaneously** with **multiple** UTs [user terminals] [*i.e.* **recipients**]” where “[m]ultiple IP flows belonging to different QoS classes may be served by the NT-WTRU links (e.g., each NT-WTRU link), where each IP flow may have different packet delay and/or throughput requirements.” (EX1005 at [0349]). Further, as depicted in Figure 2, the NT simultaneously communicates with multiple WTRUs performing transmission and reception of data.

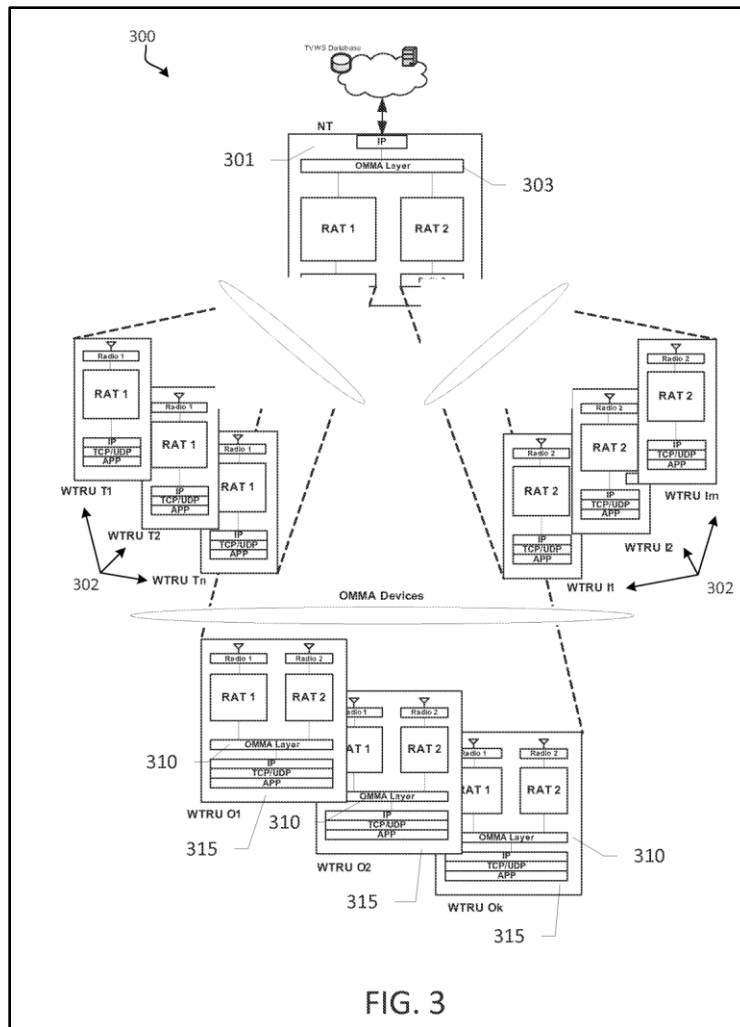
- p)** *1[o]: wherein the wireless networking device's utilization of the available bandwidth of the first selected wireless transceiver does not prevent other wireless networking devices from utilizing a range of frequencies corresponding to the remaining portion of*

the bandwidth availability of the first selected wireless transceiver for data transmission or reception purposes at the same time that data is being sent from the first selected wireless transceiver; and

1[p]: wherein the wireless networking device's utilization of the available bandwidth of the second selected wireless transceiver does not prevent other wireless networking devices from utilizing a range of frequencies corresponding to the remaining portion of the bandwidth availability of the second selected wireless transceiver for data transmission or reception purposes at the same time that data is being received by the second selected wireless transceiver.

138. In my opinion, Chincholi/Riggert discloses these two limitations. These two limitations are identical in that they require that each transceiver allow transmission or reception on bandwidth portions that are not being utilized by the first and second recipient.

139. Chincholi discloses examples of “**multi-WTRU** multi-IP flow cases.” (EX1005 at [0328].) For example, “[a] system may comprise **multiple WTRUs**, a single NT, and multiple IP flows from the NT to one or more WTRUs.” (EX1005 at [0328].) This is disclosed, for example in Figure 3.



140. To manage data flows for multiple WTRUs, Chincholi teaches techniques for queuing packets according to their access categories and/or WTRU addresses and optimizing the distribution of packets of multiple streams for multiple WTRUs across multiple RATs. (EX1005 at [0351]-[0356].) For example, Chincholi discloses a MAC layer of a given transceiver may implement multiple transmission buffers, denoted Q_{ik} , where “i” refers to the WTRU for which a group of packets is designated and “k” refers to the IP flow associated with the group of packets. (EX1005 at [352].)

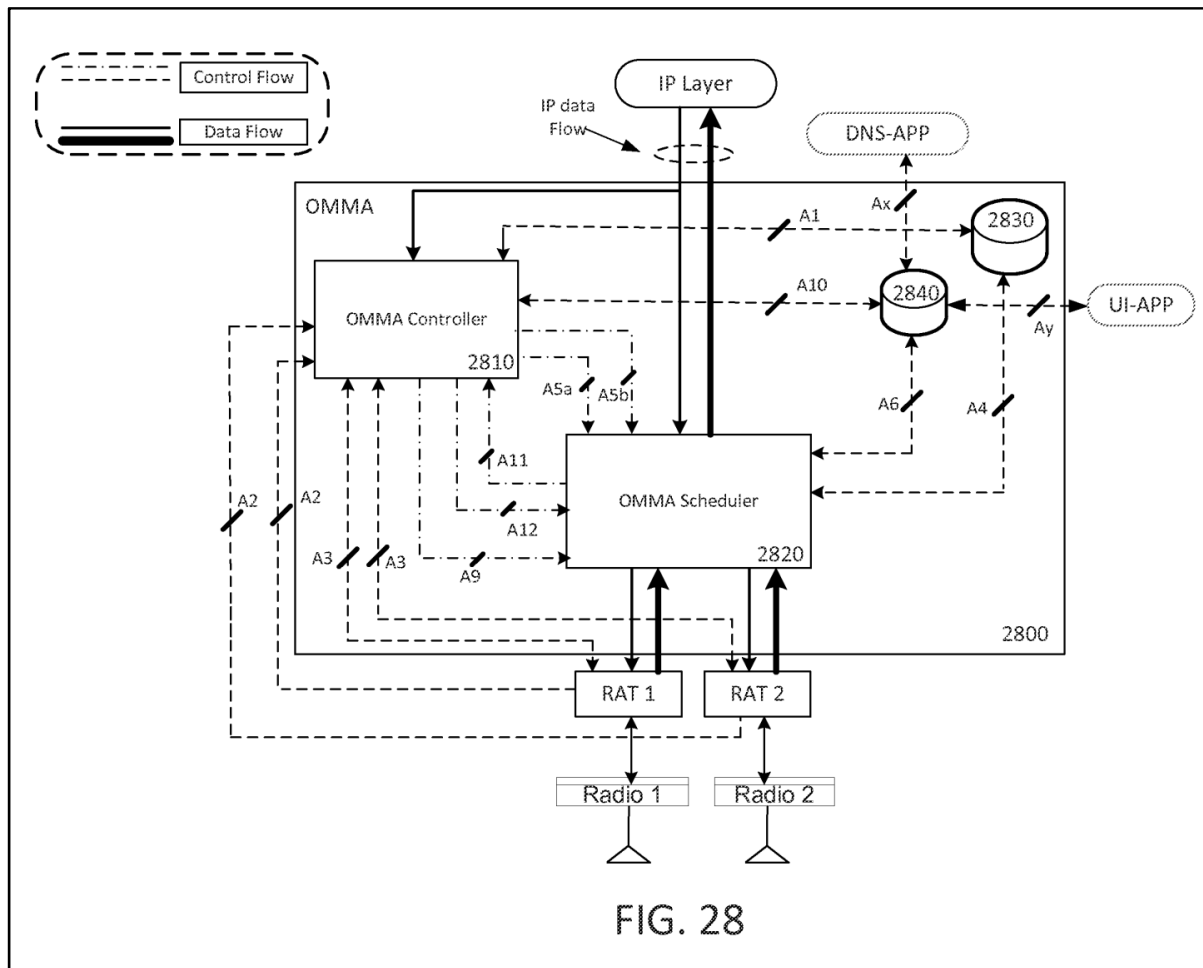
141. Chincholi further discloses how utilization of the available transceiver bandwidth for one WTRU does not prevent other WTRUs from utilizing a range of frequencies corresponding to the remaining transceiver bandwidth at the same time. As discussed above, Chincholi's OMMA layer receives feedback metrics from each RAT. (EX1005 at [0161].) Amongst the feedback metrics are the "MAC Type," for example "OFDMA." (EX1005 at [0161] & Table 2.) OFDMA stands for "Orthogonal Frequency Division Multiple Access," which was a known wireless communication technique for dividing an available bandwidth into smaller subcarriers (*i.e.* frequency ranges) which are then allocated to different users. These subcarriers are described as orthogonal because they do not interfere with each other when simultaneously transmitted. A POSITA would have recognized that OFDMA techniques would allow multiple WTRUs to access different channels of the transceiver resources simultaneously and without interference.

142. Because Chincholi's RATs may provide feedback to the OMMA indicating that they are operating as an OFDMA MAC Type, a POSITA would have recognized that Chincholi discloses the capability to allow multiple WTRUs to simultaneously utilize different portions of a transceiver's available bandwidth.

2. Claim 2: The method of claim 1, wherein the first virtual PHY interface is not contiguous with the virtual MAC interface.

143. As I discussed above, *see* limitation 1[e], the Chincholi/Riggert combination renders obvious the implementation of multiple virtual PHY interfaces in Chincholi's OMMA controller. Additionally, as discussed above, *see* claim limitation 1[e], the OMMA Scheduler comprises the "virtual MAC interface."

144. As shown in Figure 28, the OMMA Controller and the OMMA Scheduler are distinct blocks that communicate via control flow interfaces. A POSITA would have understood from this disclosure that the first virtual PHY interface is not contiguous with the virtual MAC interface.



3. **Claim 3: The method of claim 1, wherein the second virtual PHY interface is not contiguous with the virtual MAC interface.**

Claim 4: The method of claim 1, wherein the third virtual PHY interface is not contiguous with the virtual MAC interface.

145. In my opinion, Chincholi/Riggert discloses the limitations of claims 3 and 4. As I discussed above, *see* claim 2, Chincholi discloses that the virtual PHY interfaces in the OMMA Controller and the virtual MAC interface in the OMMA Scheduler are distinct blocks that communicate via control flow interfaces. A

POSITA would have thus understood that the second and third virtual PHY interface are not contiguous with the virtual MAC interface.

4. Claim 5: The method of claim 1, wherein the first virtual PHY interface includes an RF block.

146. In my opinion, Chincholi/Riggert discloses the limitations of claim 5.

147. The '143 patent does not specifically define the functionality of the claimed “RF block.” The patent teaches that “the RF block” may “form[] a virtual PHY layer,” (EX1001 at 8:26) and that a virtual PHY layer may comprise multiple RF blocks “denot[ing] the virtual use of two sets of allocated transceiver resources.” (EX1001 at 4:41-44.) The RF block may communicate with the ultra-streaming block “about actual resource availability” or alternatively may communicate directly with the virtual MAC decision block and/or processing block. (EX1001 at 4:44-50.) Thus, a POSITA would have understood the claimed “RF block” to merely be a component of a virtual PHY capable of receiving and reporting information about the availability of RF resources.

148. As I discussed above, *see* limitation 1[e], Chincholi discloses that the OMMA Controller receives feedback metrics regarding resource availability from RATs over the “A2” interface. Also, as discussed, it would have been obvious in view of Riggert to implement virtual PHY interfaces in the OMMA Controller to receive this feedback information on a per RAT basis, and use those virtual PHY interfaces to provide the information about resource availability to Chincholi’s

“traffic shaping module” (*i.e.*, the “ultra-streaming” block). Thus, a POSITA would have recognized that the obvious Chincholi/Riggert combination discloses virtual PHYs that include an RF block, *i.e.*, a component capable of receiving and reporting information about the availability of RF resources.

5. **Claim 6: The method of claim 1, wherein the second virtual PHY interface includes an RF block.**

Claim 7: The method of claim 1, wherein the third virtual PHY interface includes an RF block.

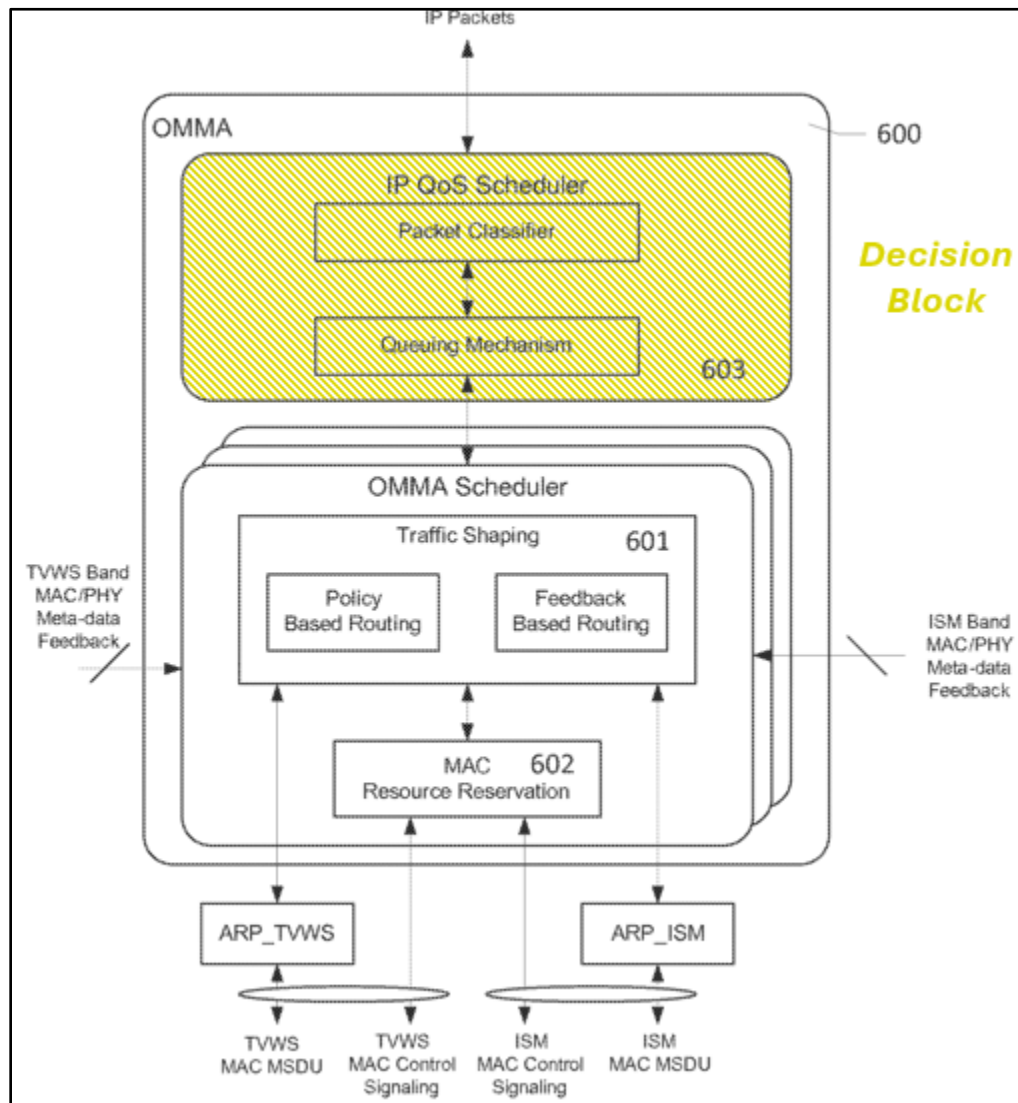
149. In my opinion, Chincholi/Riggert discloses the limitations of claims 6 and 7. As I discussed above, *see* claim 5, the obvious Chincholi/Riggert combination discloses virtual PHYs that include an RF block. It would be obvious to incorporate an RF block for the virtual PHY interface for all three transceivers so as to enable receipt of feedback from both.

6. **Claim 8: The method of claim 1, wherein the virtual MAC interface includes a decision block.**

150. In my opinion, Chincholi/Riggert discloses the limitations of claim 8.

151. The '143 patent states that the claimed ***decision block*** “determines the size and type of data stream being received, and the type of processing necessary to put the stream in a format where it is capable of being transmitted.” (EX1001 at 3:21-24.) Chincholi discloses this same functionality in the form of the ***IP QoS Scheduler module 603***. As Chincholi teaches, “[t]he ***IP QoS Scheduler 603*** may segregate single IP packet stream comprising multiple IP QoS types into distinct IP

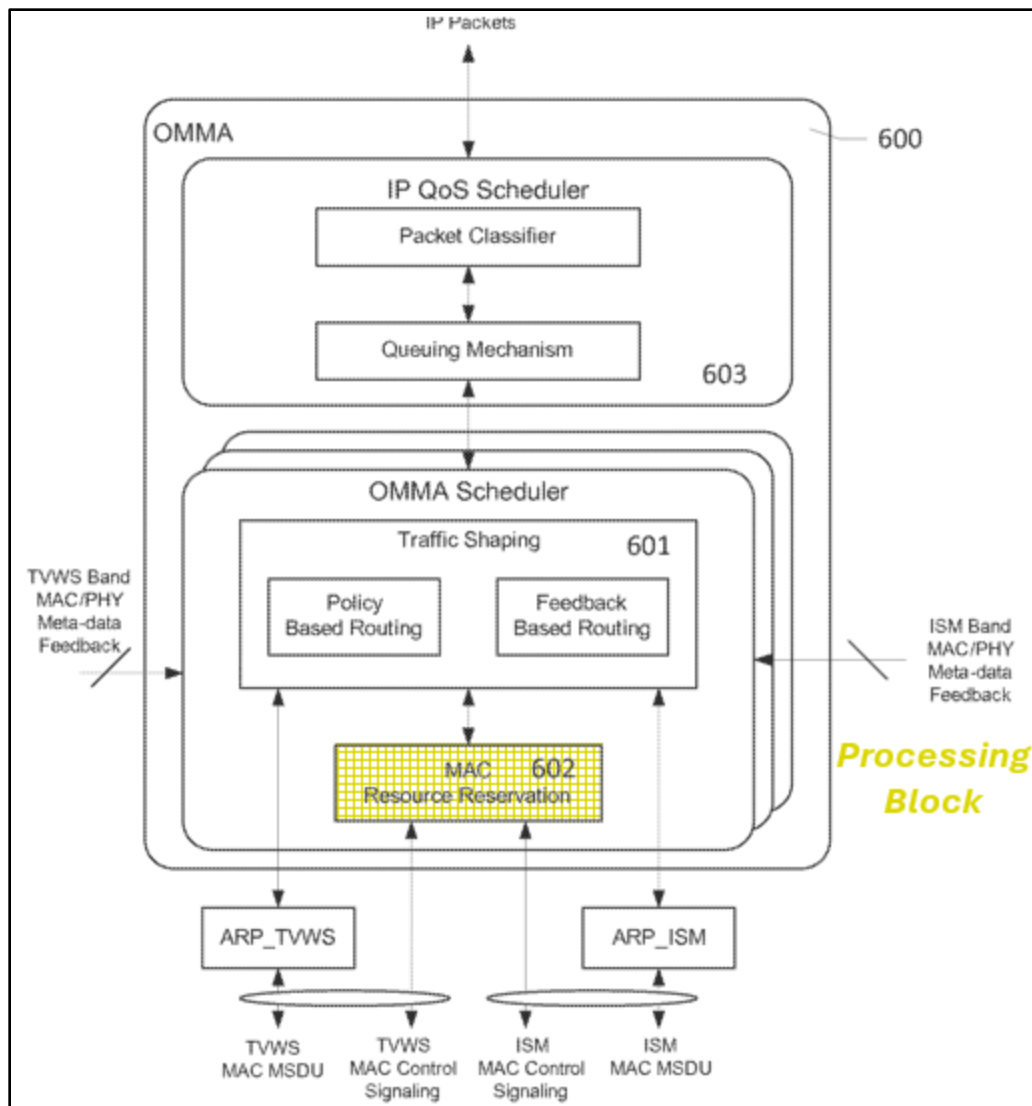
QoS streams, for example, so that the traffic shaping module 601 may treat each IP QoS stream independently and satisfy the specific QoS requirements when routing IP packets.” (EX1005 at [0143].)



7. Claim 9: The method of claim 1, wherein the virtual MAC interface includes a processing block.

152. In my opinion, Chincholi/Riggert discloses the limitations of claim 9.

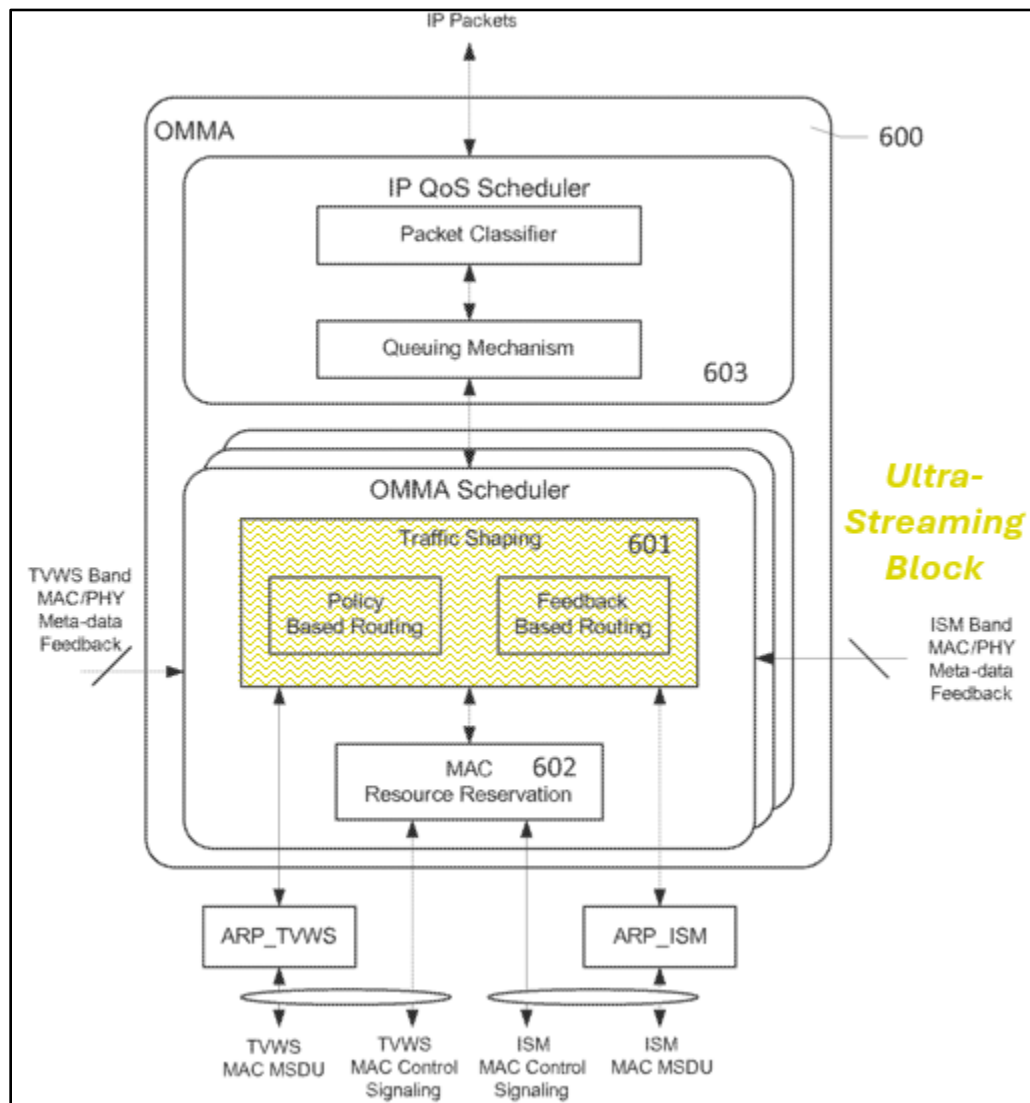
153. The '143 patent states that the claimed ***processing block*** “processes the data stream as determined by the decision block, and couples to an ultra-streaming block.” (EX1001 at 3:24-26.) Chincholi discloses this same functionality in the form of the ***MAC Resource Reservation module 602***. As Chincholi teaches, “[t]he ***MAC Resource Reservation module 602*** may determine an amount of time duration and/or spectral fragment/bandwidth required by a packet or a set of packets. This module may transmit specific requests to the RATs over the A1/A2 interface.” (EX1005 at [0142].)



8. Claim 10: The method of claim 1, wherein the virtual MAC interface includes an ultra-streaming block.

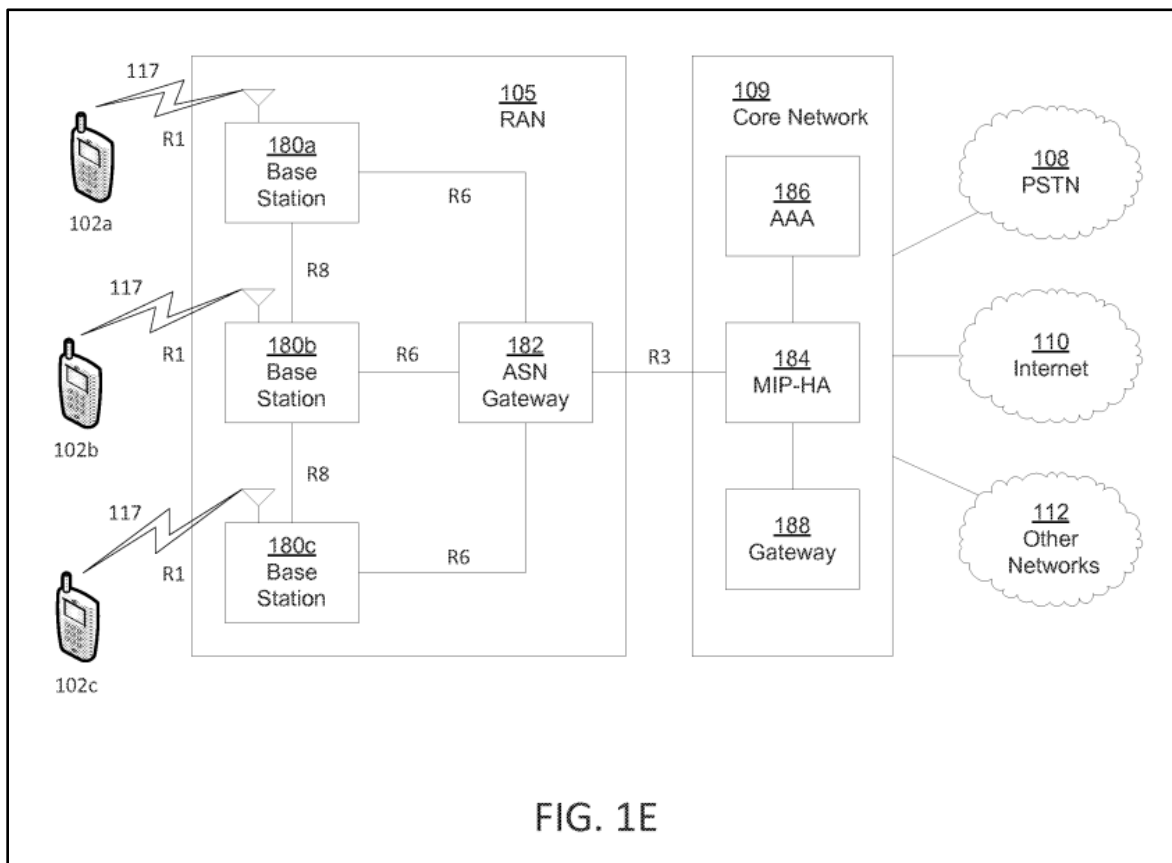
154. In my opinion, Chincholi/Riggert discloses the limitations of claim 10. The '143 patent states that the claimed *ultra-streaming block* “manages the processing of signal streams or sub-streams given the available resources (memory, processing speed number of available radios, etc.), and packetizes sufficient processed streams or sub-streams.” (EX1001 at 3:26-30.) Chincholi discloses this

same functionality in the form of the **Traffic Shaping Module 601**. As Chincholi teaches, “[t]he **traffic shaping module 601** may [be] responsible for determining the way packets are routed across RATs. For example, the traffic shaping module may determine the way a packet is routed using policy based routing or feedback based routing.” (EX1005 at [0139].)



9. Claim 11: The method of claim 1, wherein the processing interface comprises multiple virtual MAC interfaces.

155. In my opinion, Chincholi/Riggert discloses the limitations of claim 11. Chincholi discloses wireless communication systems comprising multiple base stations operating in a radio access network (RAN) that communicate with wireless devices using a multiple input, multiple output (“MIMO”) architecture. (EX1005 at [0109].) This is disclosed, for example, in Figure 1E.



156. In my opinion, a POSITA would have recognized that each base station in Figure 1E would comprise its own OMMA layer (*i.e.*, virtual MAC interface). A POSITA would have further recognized that an additional obvious implementation

would have been to combine the multiple virtual MAC interfaces of the system in Figure 1E into a single wireless communication device. Combining this functionality into a single device could, for example, leverage common hardware increasing the efficiency of a base station.

10. Claim 12: The method of claim 1, wherein the processing interface includes a bandwidth allocator.

157. In my opinion, Chincholi/Riggert discloses the limitations of claim 12.

158. The '143 patent does not describe what additional specific functionality is performed by the claimed “bandwidth allocator.” A POSITA would understand that a **bandwidth allocator** refers to functionality within the processing layer that is capable of allocating the bandwidth availabilities of multiple transceivers to meet a bandwidth requirement of one or more data streams.

159. Chincholi discloses the functionality of the claimed “bandwidth allocator.” Specifically, Chincholi teaches that “the traffic shaping module may determine how a packet is routed using policy based routing **or feedback based routing**.” (EX1005 at [0139].) In feedback based routing, “the OMMA transmitter may use measurement metrics fed back from each RAT,” which include “channel quality metrics and the **number of available resources on the medium**.” (EX1005 at [0161].) Using this feedback mechanism, the “OMMA layer may intelligently manage data traffic across multiple RATs as a function of the link quality of each RAT.” (EX1005 at [0194].) The OMMA layer also has the capability “to readjust

the assigned medium resources to a WTRU on each RAT, for example, based on global knowledge of resource assignment on other RATs.” (EX1005 at [0196].) Thus, the “OMMA layer may utilize MAC resource reservation to achieve ***globally optimal resource allocation across RATs.***” (EX1005 at [0196].)

160. From these disclosures, a POSITA would have recognized that Chincholi discloses a processing layer capable of allocating the bandwidth availabilities of multiple transceivers to meet a bandwidth requirement of one or more data streams. Chincholi thus discloses a bandwidth allocator.

11. Claim 13: The method of claim 1, wherein the portion of the bandwidth available for communication of the first selected wireless transceiver comprises a single portion.

Claim 15: The method of claim 1, wherein the portion of the bandwidth available for communication of the second selected wireless transceiver comprises a single portion.

161. In my opinion, Chincholi/Riggert discloses the limitations of claims 13 and 15. Chincholi discloses that a “NT and WTRU may communicate with each other over a single radio frequency (RF) spectral band, for example, 2.4GHz ISM band, or 5GHz ISM band, or TVWS band or 60GHz band, using ***a channel within the band*** or aggregating multiple contiguous or noncontiguous channels.” (EX1005 at [0118].) A POSITA would have understood that each “channel” within Chincholi is a “single portion” and where Chincholi identifies a single channel within the band

of the first transceiver as the at least one portion of the first bandwidth, that portion comprises a single portion.

- 12. Claim 14: The method of claim 1, wherein the portion of the bandwidth available for communication of the first selected wireless transceiver is contiguous.**

Claim 16: The method of claim 1, wherein the portion of the bandwidth available for communication of the second selected wireless transceiver is contiguous.

162. In my opinion, Chincholi/Riggert discloses the limitations of claims 14 and 16. Chincholi discloses that a “NT and WTRU may communicate with each other over a single radio frequency (RF) spectral band, for example, 2.4GHz ISM band, or 5GHz ISM band, or TVWS band or 60GHz band, using a channel within the band *or aggregating multiple contiguous or noncontiguous channels.*” (EX1005 at [0118].). A POSITA would have understood that where Chincholi identifies multiple contiguous channels within the band of the first identified actual bandwidth portion, that portion is contiguous.

- 13. Claim 17: The method of claim 1, wherein at least two of the first, second and third frequency bands are specified in at least one member of the family of IEEE 802.11 standards in existence as of Oct. 30, 2013.**

163. In my opinion, Chincholi/Riggert discloses the limitations of claim 17. Chincholi teaches that its techniques can be used to implement an IEEE 802.11 based Wi-Fi system. (EX1005 at [0121].) Thus, “[t]he NT 201 may operate using one flavor of the 802.11 system (*e.g.*, 11a/b/g/n) at any given time over a specific band

(e.g., 2.4GHz or 5GHz) when communicating with a WTRU.” (EX1005 at [0121].)

Chincholi was filed prior to October 30, 2013. Moreover, a POSITA would have recognized that the 802.11 standards expressly disclosed (“11a/b/g/n”) were in existence as of October 30, 2013.

14. Claim 18: The wireless networking device of claim 1, wherein the wireless networking device comprises a wireless access point.

164. In my opinion, Chincholi/Riggert discloses this limitation. Chincholi discloses that the wireless networking device of claim 1 comprises a “wireless access point.” Chincholi teaches wireless communication between a network terminal (NT) and a wireless transmit/receive unit (WTRU). (EX1005 at [0002].) An example of a NT is an “*access point*” (AP). (*Id.*) Indeed, Chincholi discloses that a node of its wireless communication network may include a “*WiFi access point*.” (EX1005 at [0115].)

15. Claim 19: The wireless networking device of claim 1, wherein,

- a) *19[a]: if the identified portion of the bandwidth of the first selected wireless transceiver becomes unavailable during use of the wireless networking device or if the first selected wireless transceiver has an unidentified portion of bandwidth availability that is greater than the identified portion of bandwidth availability of the first selected wireless transceiver during use of the wireless networking device, the processing interface is configured to, as a result of the unavailability or the increased bandwidth availability and in a manner transparent to any layer of the wireless networking*

device above the processing interface,

19[b]: (i) identify at least one new portion of the bandwidth of the first selected wireless transceiver that is available for communication,

165. In my opinion, Chincholi/Riggert discloses the limitations of claim 19. Chincholi discloses the use of “feedback based routing” wherein measurement metrics in the form of “channel quality metrics” and “the number of available resources on the medium” are continuously monitored. (EX1005 at [0161]; *see also id.* at [0235] (“The RAT Capability Database 2830 may store this available RAT information for an associated device (e.g., WTRU). The OMMA Controller may update (e.g., continuously update) the available RAT capability of a device (e.g., WTRU) in this database 2830, for example, based on feedback metrics from each RAT.”). Such feedback metrics include the available “number of channels” and “channel bandwidth.” (EX1005 at [0123]; [0167] (“[T]he available bandwidth of each of the one or more RATs.”)). Because these feedback metrics can be used by the MAC Resource Reservation Module 602 to request a time duration and spectral fragment/bandwidth portion on a per-packet basis (EX1005 at [0142]), Chincholi discloses the capability to respond to a bandwidth portion becoming unavailable by identifying another bandwidth portion of the same transceiver to satisfy the bandwidth requirement of the first application. Indeed, Chincholi teaches that its OMMA layer has the capability “to **readjust the assigned medium resources to a**

WTRU on each RAT, for example, based on global knowledge of resource assignment on other RATs.” (EX1005 at [0196].)

166. In addition, as I discuss below for Ground 2, it is my opinion that this limitation is disclosed by Choi and it would have been obvious to combine Chincholi (along with the teachings of Riggert) and Choi.

167. Chincholi further discloses that “[t]he OMMA layer **may be transparent**, in that it distributes and/or combines packets from different RATs and forwards the packets to the IP layer.” (EX1005 at [0192], [0126].) Thus, a POSITA would have recognized that Chincholi discloses the capability to, in a manner transparent to layers above the OMMA, identify another portion of bandwidth of the first, second, or third transceiver when the identified bandwidth of the first transceiver becomes unavailable to thereby continue to satisfy the bandwidth requirement of the application.

b) *19[c]: (ii) prepare the first data stream, without requiring the disassociation of the recipient from the actual MAC and PHY interfaces associated with any wireless transceiver, for transmission to the recipient from the first selected wireless transceiver using a specific subset of frequencies corresponding to the new portion of available bandwidth of the first selected wireless transceiver, and*

19[d]: (iii) cause the prepared first data stream to be transmitted to the recipient from the first selected wireless transceiver, without requiring the disassociation of the recipient from the actual MAC and PHY interfaces of any wireless transceiver, to thereby

continue to at least partially satisfy the first and second wireless bandwidth requirements of the first and second applications.

168. In my opinion, Chincholi/Riggert discloses these limitations. Chincholi does not mention, and therefore does not “require,” disassociation of recipient WTRUs from the MAC and PHY interfaces associated with the transceivers during operation.

169. Indeed, a POSITA would have also recognized the desirability of implementing Chincholi combined with the teachings of Riggert to transmit the first data stream to the recipient without requiring “disassociation” of the recipient from actual MAC and PHY interfaces. For example, in the field of 802.11 systems—where each associated terminal is assigned a unique association identifier (“AID”)—it was well-known that avoiding disassociation after initial association was desirable, as repeatedly re-forming associations was inefficient and disruptive. EX1008 (U.S. Patent 9,379,868) (“Wang”) at 24:42-43 (“This approach is undesirable, can be blunt and can disrupt the on-going services (e.g., requires disassociation), at 24:57-62 (“The lack of update/change of the AID values . . . after an initial AID assignment is inherently inflexible and can prevent the realization power saving, among other considerations, that an update/change of the AID values can provide.”) Indeed, recognizing this issue, background prior art reference Wang described techniques in a multiple transceiver/MIMO system for effectuating an update to a recipient’s

unique association identifier (“AID”) through various interactions with the system without requiring a disassociation of a wireless device from an access point. (EX1008 at 24:63-25:57.)

170. In light of this background art, a POSITA would have recognized that in implementing the Chincholi/Riggert combination, it would be desirable implement known dynamic AID reassignment techniques to avoid disassociation of recipients during operation including throughout any process of reallocating transceiver, channel, and/or bandwidth resources to a recipient.

16. Claim 20

171. In my opinion, Chincholi/Riggert discloses the limitations of claim 20. Claim 20 is similar to Claim 19 except that it is directed to the second wireless transceiver that is receiving data from the second recipient. Since the disclosures in Chincholi relied on for claim 19 with respect to identifying new portions of bandwidth for a transceiver without disassociation with actual MAC and PHY interfaces are directed to both transmission and reception of data, this claim is rendered obvious for the same reasons discussed in claim 19.

172. It is also my opinion that, as I explain in Ground 2, Choi discloses identifying new portions of bandwidth when one portion becomes unavailable, and that it would have been obvious to combine Chincholi/Riggert with Choi.

17. Claim 21: The method of claim 20, further comprising

a) *21[a]: the step of coupling first and second buffer memories respectively to the first and second actual PHY interfaces,*

21[b]: wherein the first buffer memory is configured to, during use of the wireless networking device, store data prior to its actual transmission to the first recipient,

21[c]: wherein the second buffer memory is configured to, during use of the wireless networking device, store data that is transmitted to the wireless networking device from the second recipient, and

173. In my opinion, Chincholi/Riggert discloses these limitations of claim 21. Chincholi teaches that the MAC layer of each RAT may implement multiple buffers, denoted Q_{ik} , which store data destined for or received from a WTRU. (EX1005 at [0352]; Fig. 55 (depicting transmission and reception buffers).) A POSITA would have understood that these buffers store data via the PHY layer for each respective RAT (*i.e. **buffer memories of actual PHY interfaces***), as data processed by the MAC queues is passed to the PHY interface for physical layer transmission, and vice versa for data reception. A POSITA would have further understood that the buffer memories would be coupled to the respective PHY interfaces to hold data prior to radio transmission or after reception.

- b) 21[d]: wherein the capacity of the first and second buffer memories are programmable during use of the wireless networking device.

174. In my opinion, Chincholi/Riggert discloses this limitation. A POSITA would have understood that transmission/reception buffers may be implemented in hardware or software, and that a common way to configure or control the capacity, address pointers, and storage management for such buffers is by using programmable registers or register-based control structures. (EX1005 at [0388] (“Examples of computer-readable storage media include ... a register”).) Thus, a POSITA would have recognized that Chincholi discloses or renders obvious the use of programmable registers to manage the buffer memories. (*Id.*).

- 18. Claim 22: The method of claim 21, wherein each of the first and second buffer memories comprises a programmable register.**

175. In my opinion, Chincholi/Riggert discloses the limitations of claim 22 for the same reasons I discussed for limitation 21[d].

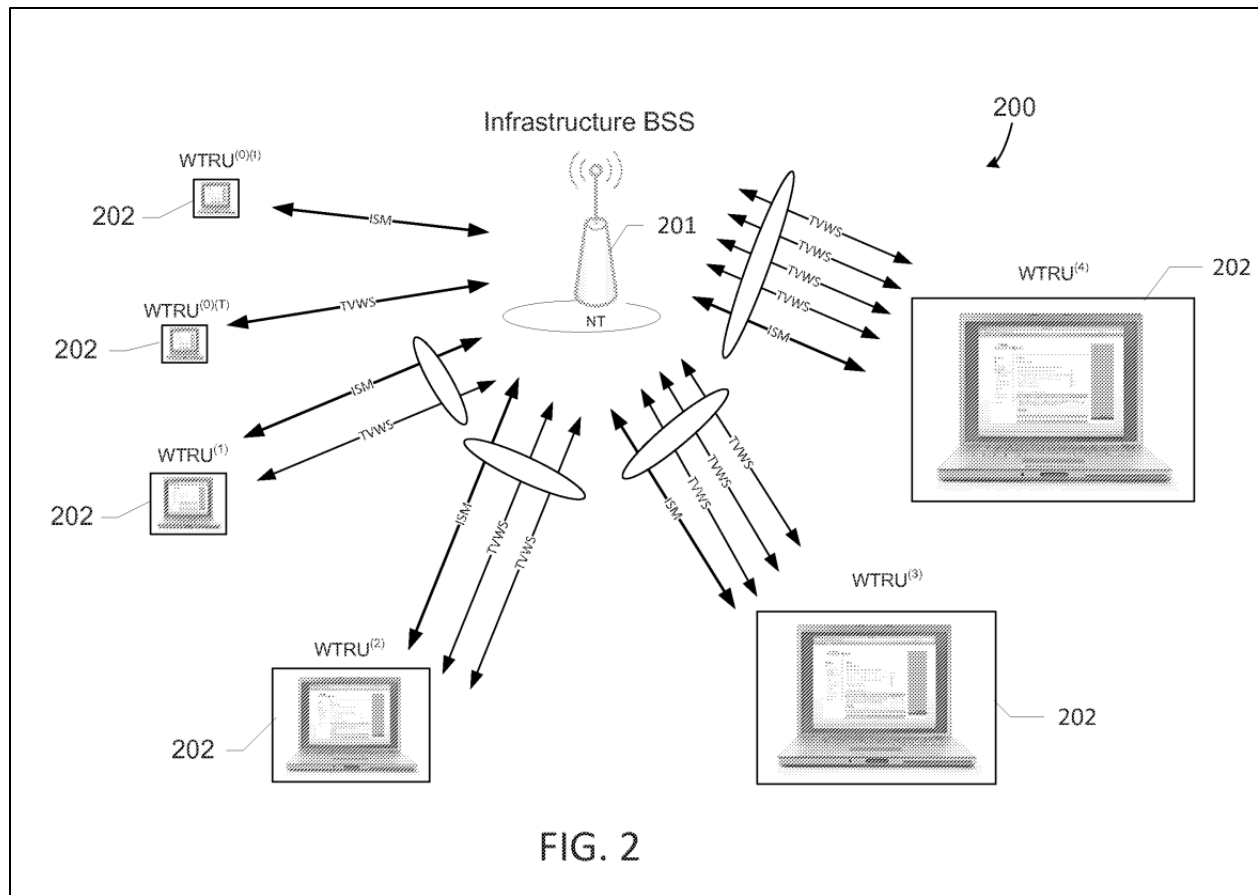
- 19. Claim 23: The method of claim 20, wherein the processing interface is configured to, when the wireless networking device is being used, in a manner transparent to any layer of the wireless networking device above the processing interface, respectively request or create fourth, fifth and sixth associations between the second recipient and the first, second and third actual MAC and PHY interfaces without requiring the wireless networking device to break any of the first, second or third associations.**

176. In my opinion, Chincholi/Riggert discloses the limitations of claim 23. As I discussed in limitation 1[g], Chincholi describes that a WTRU (*i.e. recipient*)

can request association with the NT's transceivers, thereby creating associations between the requesting WTRU and the actual MAC and PHY interfaces of the transceivers. For the same reasons, Chincholi also describes that a second WTRU can request associations be created with the interfaces of transceivers (*i.e. fourth, fifth, and sixth associations*). Because Chincholi describes a multi-WTRU system with multiple WTRUs communicating with the NT, a POSITA would understand that a first WTRU is not disassociated from the NT's transceivers when a second WTRU requests association. (EX1005 at [0149], Fig. 2.)

20. Claim 24: The method of claim 23, wherein the first and second recipients comprise the same device.

177. In my opinion, Chincholi/Riggert discloses the limitations of claim 24. Chincholi describes that a NT can transmit and receive data from a single WTRU using multiple transceivers. As depicted in Figure 2, a communications system includes an NT (201) interfacing with multiple WTRUs (202), wherein each WTRU transmits and receives data streams on bandwidth portions of one or more transceivers (TVWS and/or ISM). (EX1005 at [0121].)



21. **Claim 25:** The method of claim 20, wherein, during use of the wireless networking device, at least one portion of the available bandwidth of the third wireless transceiver is aggregated with the identified portion of the available bandwidth of the first selected wireless transceiver to transmit the prepared first data stream to the first recipient.

Claim 26: The method of claim 25, wherein, during use of the wireless networking device, at least one portion of the available bandwidth of the third wireless transceiver is aggregated with the identified portion of the available bandwidth of the second selected wireless transceiver to

receive the data stream transmitted from the second recipient.

178. In my opinion, Chincholi/Riggert discloses the limitations of claims 25 and 26. As I discussed in limitation 1[h] (and generally throughout claim 1) and claims 14, 16, 20 and 21, Chincholi teaches that available bandwidth for multiple transceivers can be aggregated. Such disclosures are directed to both transmission and reception of data. Specifically, Chincholi describes that “[t]he NT and WTRU may *communicate with each other [i.e. transmit and receive data]* over a single radio frequency (RF) spectral band, for example, 2.4 GHz ISM band, or 5 GHz ISM band, or TVSWS band, or 60 GHz band, *using a channel within the band or aggregating multiple contiguous or noncontiguous channels.*” (EX1005 at [0118]; see also *id.* at [0121] (“An 802.11 based system may operate in a time division duplexing (TDD) mode, for example, *on a band over a single 20/40MHz channel in the case of ISM band or a single 5/10/20 MHz channel in television white space (TVWS) band* using contiguous/non-contiguous carrier aggregation.”).)

22. Claim 27: The method of claim 26, wherein

- a)** *27[a]: the application interface is associated with a second application, the second application providing, when the wireless networking device is being used, a second data stream and having a second wireless bandwidth requirement;*

179. In my opinion, Chincholi/Riggert discloses this limitation. Chincholi discloses that a “single IP flow may refer to a stream of IP packets belong[ing] to a

particular application.” (EX1005 at [0132].) Moreover, Chincholi discloses “multi-WTRU **multi-IP flow** cases.” (EX1005 at [0328], [0349].) For example, “[a] system may comprise multiple WTRUs, a single NT, and **multiple IP flows** from the NT to one or more WTRUs.” (EX1005 at [0328].) Chincholi teaches techniques for queuing packets according to their access categories and/or WTRU addresses and optimizing the distribution of packets of multiple streams for multiple WTRUs across multiple RATs. (EX1005 at [0351]-[0356].) For example, Chincholi discloses that a MAC layer of a given transceiver may implement multiple transmission buffers, denoted Q_{ik} , where “i” refers to the WTRU for which a group of packets is designated and “k” refers to the IP flow associated with the group of packets. (EX1005 at [0352].)

180. A POSITA would understand that the multi-IP flow case would involve the application interface being associated with a second application providing, during use, a second data stream having a second bandwidth requirement.

b) *Limitations 27[b], 27[c], and 27[d]*

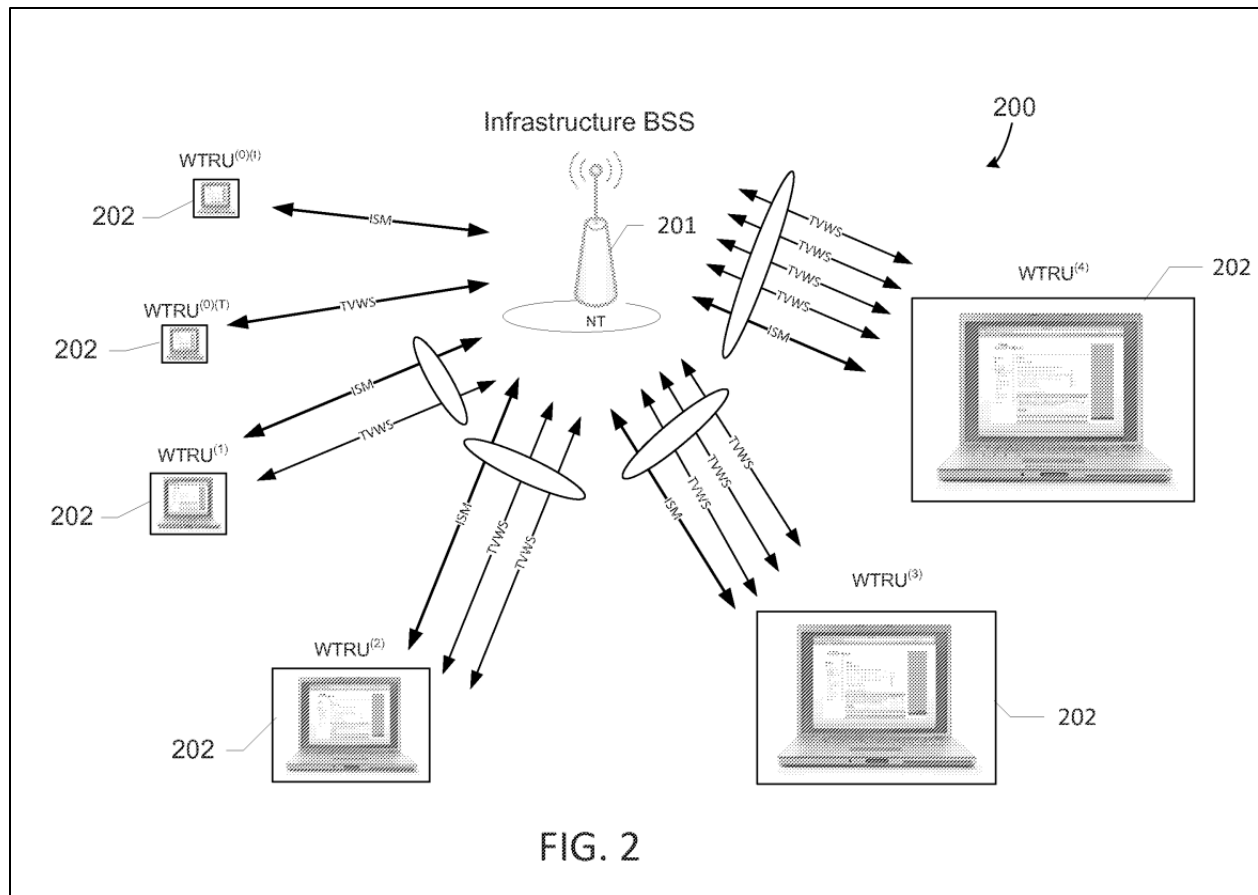
181. In my opinion, Chincholi/Riggert discloses these limitations. These limitations are identical to limitations 1[f], 1[i], and 1[j] except that the transmission of the first and second data stream partially satisfies both the first and second applications’ bandwidth requirements. As discussed for those limitations, Chincholi describes transparently identifying bandwidth portions for transmission that at least

partially satisfy the bandwidth requirements of an application. As discussed for limitation 27[a], Chincholi further discloses that such methods are performed for multiple applications.

23. Claim 28: The method of claim 26, wherein the selected first selected wireless transceiver is configured to receive a data stream at the same time as when the first selected wireless transceiver is configured to transmit a data stream.

Claim 29: The method of claim 26, wherein the second selected wireless transceiver is configured to receive a data stream at the same time as when the second selected wireless transceiver is configured to transmit a data stream.I

182. In my opinion, Chincholi/Riggert discloses the limitations of claims 28 and 29. As I discussed in limitation 1[n], Chincholi discloses that transmission to the first transceiver occurs at the same time as reception by the second transceiver. Chincholi's disclosures also apply to receiving and transmitting data on the same transceiver, which is claimed in claims 28 and 29. In particular, Chincholi discloses that "a NT may communicate substantially *simultaneously* with *multiple* UTs [user terminals] [*i.e. recipients*]" where "[m]ultiple IP flows belonging to different QoS classes may be served by the NT-WTRU links (e.g., *each NT-WTRU link*), where each IP flow may have different packet delay and/or throughput requirements." (EX1005 at [0349]). Figure 2 also depicts a WTRU that simultaneously transmits and receives on the same transceiver.



24. Claim 30: The method of claim 1, wherein the transmission of the first data stream to the first recipient occurs simultaneously with reception of the data stream transmitted from the second recipient.

183. In my opinion, Chincholi/Riggert discloses the limitation of claim 30. As I discussed in limitation 1[n], Chincholi discloses that transmission of data to the first recipient occurs simultaneously with reception of data from the second recipient.

VII. Chincholi and Riggert in Further Combination With Choi Render Claims 19-29 Obvious

A. Overview and Motivation to Combine

184. In my opinion, Chincholi and Riggert in combination with Choi render claims 19-29 obvious. As I discussed above, Chincholi in combination with Riggert renders claims 1-30 obvious. Choi also teaches Claims 19 and 20's recitation of identifying a new bandwidth portion of a transceiver for communications when the current bandwidth portion becomes unavailable, and thus the combination provides an alternative reason that claims 19-29 are obvious.

185. In my opinion, a POSITA would have understood that Chincholi's monitoring and response techniques could be enhanced by the teachings of Choi. Choi teaches a dynamic frequency selection techniques for addressing interference and reduced quality of WLAN networks by measuring frequency channel characteristics and selecting the frequency channel with minimum interference signal level. (EX1016, 4:23-38.) This level is based on measured Received Signal Strength Range Index (RSSRI) and Clear Channel Assessment (CCA) value. (EX1016, 2:14-17.) Choi further teaches that as one channel becomes unavailable due to its characteristics, or when a better channel becomes available, the system can dynamically select a new channel. (EX1016, 4:23-38.) Like Chincholi, Choi arises in the field 802.11 wireless communication networks and is addressed to increasing bandwidth efficiency and performance of the network. (EX1016, 1:20-62.)

186. A POSITA would have been motivated to incorporate the teachings of Choi to improve the Chincholi system by allowing it to more flexibly and efficiently utilize available bandwidth channels to minimize mutual interference. Chincholi already teaches identifying available bandwidth channels for communication, receiving feedback information from each RAT, and evaluating the identified channel availabilities for communication. Choi provides additional detail on how to apply this similar methodology to selecting and switching channels within the same frequency band. These teachings were known to improve wireless systems like those described in Chincholi, as they provide dynamic and efficient use of bandwidth. Indeed, Choi itself instructs that its teachings satisfy “a need for a dynamic frequency selection (DFS) scheme that can be incorporated into IEEE 802.11 standard,” including the facilitation of “meeting the requirements imposed by the European Radio communications Committee” and “enhanc[ing] the performance of an 802.11 WLAN operation,” which further provides motivation to combine Chincholi and Choi. (EX1016, 1:49-62.)

187. The teachings of Choi are complementary to Chincholi, and a POSITA would have recognized that Choi’s teachings could be implemented into Chincholi without technical challenge and with a reasonable expectation of success.

B. Limitation-By-Limitation Analysis

1. Claims 19 and 20

188. In my opinion, Chincholi/Riggert/Choi disclose and/or render obvious the limitations in these claims. Choi describes that as a channel (*i.e.* ***bandwidth portion***) becomes unavailable or another channel has greater availability, a new channel is identified and allocated for wireless communication, including transmission and reception. It is my opinion that a POSITA would have understood that the plain meaning of the claimed resource “unavailability” in the context of the ’143 patent broadly includes resources that are partially or completely unavailable or that have less bandwidth availability than another resource. This is consistent with the applicant’s use of the term during prosecution of the prior related ’591 patent, where in arguing patentability to overcome a prior art rejection, the applicant expressly stated that “[i]t is applicant’s intention that these words [“unavailable” and “unavailability”] refer to, for example, a partial or complete loss of certain transceiver resources as well as a situation where a different band than the one currently in use provides more bandwidth available for transmission.” (EX1017, Aug. 8, 2023 Response to Non-Final Office Action.)

189. Choi teaches a method and system for dynamically selecting a communication channel between an access point (“AP”) and a plurality of stations (“STAs”) in an IEEE 802.11 wireless local area network. (EX1016, Abstract.) Choi

explains that a channel is a “frequency channel” within the “5 GHz band or other band range, i.e., 2.4 GHz,” i.e. a ***portion of bandwidth corresponding to a subset of frequencies***. (EX1016, 3:48-60.) Choi further teaches that the channel monitoring and switching occurs upon certain events, including but not limited to, when “the AP and/or one or more STAs in a BSS experience a poor communication channel persistently” or “the overlapping of BSSs occurs causing a channel interference,” i.e. ***the selected bandwidth portion becomes unavailable***. (EX1016, 4:24-38.) Consistent with the applicant’s remarks during prosecution of the prior related ’591 patent, bandwidth portion unavailability would include any unavailable resources or any resource that is less available than another resource. (EX1017, Aug. 8, 2023 Response to Non-Final Office Action).

190. Choi teaches a “channel measurement” technique by an AP wherein the AP may directly measure the channel quality, request measurement of the channel by STAs, and/or receive channel measurement reports by STAs. (EX1016, 4:20-23; *see also id.* at 4:31, 5:2-9, 5:56-6:3, Fig. 3 at 100.) Choi’s technique creates a “channel quality report,” whereby the “channel quality” of a plurality of “candidate” frequency channels is evaluated and measured. The channel quality report may include information regarding other BSSs in the requested frequency channel, measurement of clear channel assessment (CCA) busy periods, received signal strength indications (RSSIs), and/or interference signal levels. (EX1016, 5:66-6:3,

Claims 1, 2, 11, 13, 21, 22.) A POSITA would have recognized that these channel quality report metrics provide information about whether a given channel in Choi (*i.e.*, the identified bandwidth portion) has become “unavailable” during use of the wireless networking device, and/or whether a different channel (*i.e.*, an unidentified bandwidth portion) has greater bandwidth availability.

191. After generating the “channel quality report” for a plurality of “candidate” channels, Choi teaches the ability of the AP to select a channel based on the interference signal level measurements. (EX1016, 4:17-18; *see also id.* Fig. 3 at 200.) This step may entail, for example, “determin[ing] whether all channels are scanned... [and] [i]f so, the channel with the least RSSRI and/or CCA value is selected.” (EX1016, 8:18-20; Fig. 7 at 24 (“Select channel with (RSSRI and/or CCA) min”).) Based on this selection, Choi then teaches “movement into a new channel is performed by changing the carrier frequency of a 802.11a OFDM PHY.” (EX1016, 8:44:45.)

192. Thus, a POSITA would have recognized that the combined teachings of Chincholi and Choi disclose (1) determining if the identified bandwidth portion becomes unavailable, and/or determining whether an alternative portion of bandwidth has availability that is greater than the identified portion of bandwidth availability; and (2) switching to the alternative portion, including preparing and

causing the first data stream to be transmitted to the recipient using the alternative portion.

193. As I discussed above in Ground 1, Chincholi discloses (and therefore the combination of Chincholi/Riggert and Choi) the remaining limitations of claims 19 and 20, including that its bandwidth allocation is performed ***transparently*** to any layer above the processing interface, that bandwidth allocation is performed without requiring disassociation of the recipient from the actual MAC and PHY interfaces, and that transmission and reception occurs over bandwidth portions that meet the bandwidth requirements of the first and second applications.

2. Claims 21-29

194. As I discussed above in Ground 1, Chincholi/Riggert render obvious the limitations of claims 21-29, which depend on claims 19 and 20. In my opinion, the Chincholi/Riggert/Choi combination render obvious those claims for the same reasons.

VIII. Conclusion

195. In signing this declaration, I recognize that the declaration will be filed as evidence in a contested case before the Patent Trial and Appeal Board of the United States Patent and Trademark Office. I also recognize that I may be subject to cross-examination in the case and that cross-examination will take place within the

IPR of U.S. Patent No. 11,974,143

Decl. of Dr. Kevin Almeroth

United States. If cross-examination is required of me, I will appear for cross-examination within the United States during the time allotted for cross-examination.

* * *

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on the information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Respectfully submitted,

Date:

Kevin C. Almeroth, Ph.D.